4/4

SELECT LETTERS ON THE TRADE AND GOVERNMENT OF AMERICA; AND THE PRINCIPLES OF LAW AND POLITY, APPLIED TO THE AMERICAN COLONIES.

Written by GOVERNOR BERNARD, at BOSTON, In the Years 1763, 4, 5, 6, 7, and 8.

LONDON,
Printed by W. BOWYER and J. NICHOLS.
MDCC LXXIV.

PREFACE.

THE letters which are now ſubmitted to the public, were written between the years 1763 and 1768 by *Governor Bernard*, who was at that time governor of *Maſſachuſets Bay*, and had a principal part in the proceedings which gave occaſion for them. A little before that time an *act of parliament* was paſſed for raiſing money in *America* by a ſtamp duty, and bringing it into the *Exchequer* of *England*; without due conſideration being had of the Practicability of ſuch ſcheme, or of the Propriety of it if it was practicable. At this time *America* was juſt recovering herſelf from a war, in which ſhe had borne a principal and burdenſome part; and therefore was a very unfit ſubject for a preſent Taxation.

But what ſhould have prevented a Taxation at that time was, that her governing powers were not fitted or able to carry into execution that, or any ordinance of *Parliament* that, was like to be diſputed. There was no fixed idea of the Relation between *Great Britain* and *America*; not one of the Governments there had, what not one of them ſhould have been without, a *Parlia-*

mentary Conſtitution. And therefore it is not to be wondered at, that when they were called upon to pay money to the order of *Parliament*, they ſhould anſwer, "We "know not what is the Relation between you and us, "that authoriſes you to raiſe money from us or our "lands."

And, indeed, it may afford cauſe of wonder, that, in the courſe of 150 years (for ſo many it is at leaſt ſince governments were firſt conſtiſtuted in *America*), there never has been a *parliamentary* ſettlement of the *American* Governments, or any adjuſtment of the nature of the Subjection, and the Mode of ſubordination, that was due to, or expected from, the *Dependent* governments to the *Imperial* ſtate. Before the Revolution, this neglect is to be accounted for; the rights of government were then not well underſtood even in *England*, and in *America* they were wholly miſconceived. The lands acquired by the *Engliſh* there, and the government of them, were ſuppoſed to be the abſolute property of the *King*, and were diſpoſed of accordingly. The *Parliament* was ſcarce allowed to have any thing to do with them, and interfered very little in their government.

But, at the Revolution, when the rights of Government were well underſtood and formally ſettled; when the power of *Parliament* was greatly enlarged, and allowed to extend over all the Dependencies of the Crown of *Great Britain*, as well as its own Kingdom; at that time, and ever ſince, it has been an unfortunate omiſ-

ſion

ſion of policy, that the conſtitution of the Governments of *America* were not ſettled in *Parliament*, and the rights of the *Imperial* ſtate over them acknowledged, with ſuch Regulations and Limitations as the ſeveral natures of them, upon conſtitutional principles and good policy, ſhould require; that we might not, at this time of day, when the *Empire* is ſo greatly enlarged, and is ſtill encreaſing, be at a loſs for the Principles upon which the Connexion of its ſubordinate Governments with the *Imperial* ſtate may be beſt preſerved, and the Union of the whole maintained and continued.

But no care has been taken of this important buſineſs; and *America* has been left to that miſerable ſervitude where Law is uncertain and unknown. Inſtead of a certain conſtitutional Law, adapted to the nature of the Governments, eſtabliſhed by the Sovereign or Imperial ſtate, and recogniſed by the Dependent or ſubordinate ſtates, *America* has been hitherto governed by temporary expedients; which have ſometimes been allowed to have the force of laws, and have ſometimes been refuſed it. In this ſtate of things, it was impoſſible but the time would come when the authority of *Great Britain* over *America* would be brought into queſtion. This day ſeems now to draw nigh; it might poſſibly have been put off for ſome time longer; but perhaps it is happy for *Great Britain* that it is not. She is now able to aſſert her own rights: whenever ſhe ceaſes to be ſo, there is an end of her empire; a period no

leſs to be dreaded by the Colonies themſelves, than by the Mother of them.

It was at the approach of this critical time, when the authority of *Parliament* over the colonies was to be controverted, and after the commencement of ſuch controverſy, that theſe letters were wrote. They were moſtly, even thoſe which were addreſſed to perſons in high offices, merely ſpeculative: and they cannot be miſunderſtood in any inſtance more than by being conſidered as Dictations. If there was any thing in which the writer of them could have deſired to have dictated, it would have been upon the Neceſſity of giving the ſubject-matter of ſome of them as early a conſideration as poſſible. For he cannot but think that too much time has been loſt; and yet the work ſtill remains to be done, but under greater difficulties than if it had been taken up ſooner. For the Patience of the Government here, has tended to encreaſe the demands and expectations of the *Americans*, ſo as to make the regulating the Governments a much more difficult work than it would have been eight years ago: and at the ſame time the Neceſſity of it has encreaſed with its difficulties.

The writer of theſe letters has given them juſt as they were wrote, without any comments; and muſt deſire that the reader will be attentive to the ſeveral dates of them, as much will depend on the preciſe times in which they were wrote. The politics of *America*, eſpecially in the Province where he preſided, have been very

very fluctuating, though all tending to one end; ſo that what would have paſſed without giving offence ten years ago, would now be treated with the utmoſt reſentment. A curious inſtance of which is juſt now afforded, when the Governor and Lieutenant Governor of *Maſſachuſet's Bay* have been impeached for writing in private letters what was a common ſubject of converſation at the time they were wrote.

Another caution muſt be recommended, that it be not expected to find an uniformity of ſentiments in theſe letters: length of time, and frequent change of circumſtances, muſt occaſion a variation of opinions: yet there has been little alteration of his with regard to fundamentals. The ſubject which occaſioned the greateſt fluctuation of his ſentiments, is the expediency of allowing the *American* ſtates Repreſentatives in *Parliament*. This propoſition greatly enlarges our idea of the Grandeur of the *Britiſh Empire*, and affords the moſt flattering proſpect of its Stability and Duration. But we muſt admit that the Execution of it would probably be attended with great difficulties, if its theory ſhould be approved; and therefore it may be conſidered only as a pleaſing reverie.

One thing it is hoped the reader will take notice of, or at leaſt that he will give credit for; which is, that theſe letters were dictated by a love of both Countries, and an earneſt deſire that they ſhould be united in mutual affection as they are in mutual intereſt. This will depend

depend in a great meaſure upon the Connexion of the colonies with the *imperial* ſtate. This can be maintained no otherwiſe than by a ſubordination of the former as *Dependent* ſtates, to the latter as the *Imperial* ſovereign. *Imperium in imperio* is a monſter in politics which cannot ſubſiſt. The notions of policy which have been adopted in *America* ſince the ſtamp-act have a final tendency to ſeparate the Colonies from the Mother Country; an event which, as I have ſaid before, can be deſirable by neither; as the conſequences of it will probably be the Ruin of both.

But, though there can be no doubt of the Propriety and Neceſſity of a conciliatory Connexion between the *Imperial* ſtate and the *American* Colonies, and it ſtill remains to be done; it is not ſo eaſy to determine in what manner, and by what ways and means, it will be beſt effected. This is a buſineſs of the utmoſt importance to the Welfare, I might ſay, to the very Being, of the *Empire*; and requires that Policy, Juſtice, Firmneſs, and Moderation, ſhould all be united upon this occaſion. If in any inſtance Reſentment ſhould offer to interfere, let a conſideration of the Relation between them mitigate it. But it will be beſt to look backward as little as poſſible, and provide only for the Correction of what is to come.

If theſe letters ſhould afford any information that will contribute in the leaſt to further this great work, the purpoſe of the writer will be fully anſwered. They

were

were written haſtily, *currente calamo*, and not with a view to publication; and therefore muſt be ſubject to many errors, as well literal as political; all which the critics are very welcome to, if they will do juſtice to his good *intention* and *well-meaning*. For he is not deſirous of founding his reputation upon his writing or his politics; his utmoſt ambition, and for which he has laboured all his life-time, is to be eſteemed an *honeſt man* and a *good citizen*.

LET-

LETTERS, &c.

LETTER I.

To the Earl of ——.

My Lord, *October* 25, 1763.

YOUR Lordſhip ſignifies the King's pleaſure, that I uſe my utmoſt endeavours to prevent the introduction of Foreign commodities contrary to the Acts of the 12 *Charles* II, the 15 *Charles* II, and the 7 and 8 of *William* III. I have the honour to inform your Lordſhip, that, ever ſince I have been in this Government, I have exerted the beſt of my powers to maintain a due obedience to the abovementioned Laws; and I can with pleaſure add, that I believe they are no where better ſupported than they are in this Province.

When firſt I came to this Government, about three years ago, ſome of the Merchants of this town, provoked with the liberties allowed at Ports almoſt under their eye, and really injured by them, did endeavour to enforce the allowance of the ſame liberties within

this Port, by divers means: but my reſolution, and the ſteadineſs of the Judges of the ſupreme Court, defeated this ſcheme; and they became content to wait till meaſures ſhould be taken for putting all the Ports in *America* upon the ſame footing. Before this commotion, and ſince, the Merchants here, in general, have acted in ſuch a manner as to intitle themſelves to all proper favor.

I do not pretend that this Province is entirely free from the breach of theſe Laws; but only, that ſuch breach, if diſcovered, is ſurely puniſhed. There has been an indulgence time out of mind allowed in a trifling but neceſſary article; I mean, the permitting *Liſbon* Lemons, and Wine in ſmall quantities, to paſs as ſhips ſtores. I have always underſtood that this was well known in *England*, and allowed, as being no object of trade, or, if it was, no ways injurious to that of *Great Britain*. As for Lemons, in this climate, they are not only neceſſary to the comfort of life, but to health alſo; and a prohibition of them would be a great mortification to thoſe who have been accuſtomed to the uſe of them. For my own part, I reckon them among the neceſſaries of life, and believe they contribute much to the good health I enjoy here.

In regard to *Portugal* Wines, there ſeems to be no material diſtinction (except as *caſus omiſſus*, in the letter of the Law) between Wines from the *Portugueſe* Iſlands, and Wines from the *Portugueſe* Continent: nor would the leaſt benefit accrue to *Great Britain*, from permitting

permitting the one only, and prohibiting the other. Beſides, there is ſometimes a want of theſe little articles to help to make up a balance in the trade between this Country and *Portugal*, the latter affording no other return hither but Salt. And the Fiſh trade of *New England* is of too great conſequence to *Old England*, to run any riſque of checking it. *Spaniſh* Wines and Fruit, although at preſent not in much demand here, are within the ſame rule of reaſoning, in regard to promoting the Fiſh trade. But it were to be wiſhed that theſe were permitted by a poſitive law, rather than by an indulgence, however reaſonable and approved.

The Wine generally uſed in this country heretofore, has been *Madeira*; but of late that has grown ſo extravagantly dear, that few people can afford it. The wines of the *Weſtern Iſles* are now in the general uſe of this country; but ſome gentlemen prefer *Portugal* wines. *French* wines can never be an article of trade here, as what comes to *America* is in general bad and very periſhable; and when it is good, it comes as dear as *Madeira*, and is not near ſo much eſteemed. And though there is now here, under proſecution, a ſmall veſſel of 130 tuns, laden with *French* wines, ſaid to be bound from *Bourdeaux* to *Euſtatia*; yet this will not conclude for the frequent uſe of *French* wines here. For though this veſſel were intended to be unladen on this coaſt, ſhe would be a ſingular inſtance for ſome years paſt, and her cargo would ſup-

ply the demand for *French* wine in *New England* for two or three years.

I have, according to your Lordſhip's order, imparted to your Lordſhip what alleviation of the Laws before-mentioned is wanting to the exigencies of this country; at the ſame time beſpeaking your Lordſhip's favor, that this intimation may not be underſtood to contain an admiſſion that I myſelf have been knowingly concerned in, or conſenting to, the aforeſaid indulgence.

I am, &c.

LETTER II.

To the Lords Commiſſioners for Trade and Plantations.

My Lords, *Dec.* 26, 1763.

I Am honoured with your Lordſhips orders, dated *October* 11. There has been no neglect, that I know of, in executing the Laws of Trade within this Province as far as has been practicable: the only indulgencies that have been uſed here, I preſume, have been long well known to your Lordſhips. That of allowing Wines and Fruits, in ſmall parcels, to be returned as ſhips ſtores by the veſſels carrying fiſh to *Portugal*, &c. your Lordſhips have been acquainted with before

before now. That this indulgence is not hurtful to *Great Britain* in the firſt inſtance, and greatly advantageous in the end, is to me very certain.

The other well-known indulgence, is in the Act called the Molaſſes Act, which has, I preſume, never been duly executed; although, at the ſame time, I muſt, for my own defence, ſay that I never knew an inſtance of the breach of it. The Cuſtom-houſe officers in this Province are, in my opinion, good and faithful officers, and have in this caſe done their beſt; that is, they have got as much money on account of this duty as they could, and have brought all that they have received to the account of the King. In the laſt quarter's accompt of the Collector of this Port, I obſerved the duties upon this Act amount to between ſix or ſeven hundred pounds ſterling; and I am told, that the Collector of *Salem's* accompt, which I have not ſeen, may amount to as much. I therefore conclude, as I can judge by conjecture only, that this Act is not ſtrictly executed; for, if it had been, I cannot think that it could have produced ſo great a ſum in any one quarter. And yet, I believe, if the duty was lowered, ſo as not to diſcourage the importation of the goods ſubject to it, nor make it worth the while to evade the payment of it, it would produce a much greater ſum.

This Act has been a perpetual ſtumbling-block to the Cuſtom-houſe officers; and it will be moſt agreeable to them to have it in any ways removed. The

queſtion

queſtion ſeems to be, whether it ſhould be an Act of Prohibition, or an Act of Revenue. It was originally, I believe, deſigned for the former; and if it ſhould be thought adviſeable to continue it as ſuch, it will want no more than to be fully executed. But if it is meant to be an Act of Revenue, the beſt means to make it moſt effectual, that is, to raiſe the greateſt revenue by it, will be to lower the duties in ſuch a proportion as will ſecure the entire collection of them, and encourage the importation of the goods on which they will be laid. Perhaps a reſolution may be formed already, or at leaſt before this will come to your Lordſhips, to continue this Act, and enforce the execution of it: in ſuch caſe it may be thought imprudent in me, to urge or even offer my opinion on this ſubject. But, my Lords, in the ſincerity of my heart, and in the warmth of my wiſhes that the welfare of this country may be made advantageous to its mother country, I muſt inform your Lordſhips, that it ſeems to me neceſſary to encourage a trade between *North America* and the *Foreign* Plantations, under proper reſtrictions; without which, the preſent advantages ariſing to *Great Britain* from the trade of *North America*, I fear, cannot be preſerved; much leſs may an increaſe of them be expected.

I founded this opinion ſome time ago upon a plain and ſimple argument, the fallacy of which I have never been able to diſcover; and the truth of it ſeems to be confirmed by frequent obſervation. It is this: at the time of making the Molaſſes Act, now thirty

years

years ago, it was aſſerted by the *Weſt Indians*, that, as the *Britiſh Weſt Indian* Plantations were capable of taking off all the produce of *North America*, the ſending ſuch produce to *Foreign* Plantations ought to be diſcouraged. To this the *North Americans* then anſwered, by denying (I believe with greater truth) that the *Britiſh Weſt Indian* Plantations were capable of taking off all the produce of *North America* fit for the *Weſt Indian* markets: I will ſuppoſe however that the balance was equal. Since that time, *North America* has encreaſed to above double; the *Britiſh Weſt Indies* remain as they were. What is to become of half the produce of *North America*, if it is not ſuffered to be carried to *Foreign* markets upon practicable terms of trade? And how can *Great Britain* expect that her exports to *North America* will not keep an equal proportion with the exports of *North America* to their markets, wherever they lie?

It is, in my opinion, a falſe ſtate of the queſtion, to conſider it as a conteſt between *The Weſt Indies* and *North America*: it is really a conteſt between *The Weſt Indies* and *Great Britain*; for in the latter will the profit and loſs ariſing from the reſult of this queſtion determine. The trade of *North America* is really the trade of *Great Britain* (prohibited *European* goods excepted); the profit and loſs, the increaſe and decreaſe of which, finally, come home to the latter. *America* will ſuffer for a time only, by being diſabled to import from *Great Britain* what her real and imaginary

wants

wants demand. But her very neceſſity will relieve her, by both obliging her and enabling her to reſort to her internal powers for what ſhe will not be able to import from abroad. But the loſs of *Great Britain* will be irretrievable. If this ſhould be exemplified in this Province, it will, probably, for the firſt inſtance, be in the decreaſe of the Fiſhery; which, in the opinion of the moſt knowing men here, will certainly be the conſequence of a prohibition of Foreign Molaſſes and Sugar.

I have been carried on further in this ſubject than I intended, for which I pray your Lordſhips indulgence, as I mean rather to ſtate the caſe to your Lordſhips, than determine upon it. I am all this while arguing againſt my own intereſt: Laws that are like to be productive of Forfeitures ought to be acceptable to Governors. But, for my own part, I ſhould be glad, at the expence of all ſuch Profits, to ſee the Laws of Trade in *America* ſo regulated, as to be effectually executed, chearfully ſubmitted to, and moſt conducive to the advantage of *Great Britain*.

I am, &c.

LETTER

LETTER III.

To —— —— Eſquire.

Dear Sir, *Jan.* 7th, 1764.

THE publication of orders for the ſtrict execution of the Molaſſes Act has cauſed a greater alarm in this country than the taking of *Fort William Henry* did in 1757. Petitions from the trading towns have been preſented to the General Court; and a large Committee of both Houſes is ſitting every day to prepare inſtructions for their Agent. In the mean time, the Merchants ſay, There is an end of the trade of this Province; that it is ſacrificed to the *Weſt Indian* Planters; that it is time for every prudent man to get out of debt with *Great Britain* as faſt as he can, and betake himſelf to Husbandry, and be content with ſuch coarſe manufactures as this country will produce. This is now the common talk wherever one goes; and it is certain, that whatever detriment the continuation and ſtrict execution of the Molaſſes Act will bring to the trade of *North America* (and ſurely more or leſs it will bring), it will ſoon come home to *Great Britain*; and then the *Britiſh* Merchants will ſee their imprudence in ſitting ſtill as unconcerned ſpectators, whilſt the *Weſt Indians* are confining the trade of this extenſive and improving country within their own narrow and unextenſible circle. For nothing is more plain, than that if the ex-

ports of *North America* are diminiſhed (be it by one fourth, one third, or one half), her imports from *Great Britain* muſt be leſſened in the ſame proportion. To apply this to a fact: laſt year was imported into this Province 15,000 hogſheads of molaſſes, all of which, except leſs than 500, came from *Ports* which are now *Foreign*. The value of this, at 1 *s.* 4 *d.* a gallon (which is a middling price as ſold out of merchants ſtorehouſes), is 100,000 pounds ſterling; to purchaſe which, fiſh and lumber of near the ſame value muſt be ſent from hence. Now ſuppoſe this trade prohibited (for a duty of 50 *per cent.* amounts to a prohibition), the conſequences muſt be, that this Province muſt import 100,000 pounds leſs of *Britiſh* goods; and there is an entire loſs of 100,000 pounds (the fiſh and lumber coming from an inexhauſtible ſtore) worth of goods to the general *Britiſh* Empire, beſides the loſs of trade and decreaſe of ſhipping; and this annual, in one Province, and in one article of trade only. Is there not therefore juſt cauſe of alarm from the apprehenſions of the probability or poſſibility of ſuch conſequences? If it ſhould be propoſed to try the experiment for two or three years only; firſt let it be conſidered, that the experiment itſelf, if it turns out as is expected, will coſt *Great Britain* many hundred thouſand pounds. But this is not all: if, after the experiment has been made, it ſhould be thought proper to reſtore the *North Americans* to the freedom of this trade, is it certain that, after an interruption of

two or three years, it can be recovered again? Is it not probable, that in the interim the *Foreign* Plantations may get ſupplied from other parts (*viz.* low-priced fiſh from the *French* fiſheries, lumber from the Eaſt ſide of the *Miſſiſippi)*; and when the *North Americans* have leave again to reſort to the *Foreign* Ports, they may find them ſhut againſt them? When the ſale of *French* Molaſſes to the *North Americans* is prohibited, may it not be the cauſe of procuring the *French* planters liberty to diſtill it themſelves? And if this valuable trade, which takes from us what no other markets will receive, and returns to us what ultimately centers in *Great Britain*, ſhould, by making experiments, be deſtroyed; would it not be the caſe of the man whoſe curioſity (or expectation of extraordinary preſent gain) killed the gooſe who laid him golden eggs? Surely it is not an idle or groundleſs fear which makes thinking people dread the conſequences of continuing and enforcing this Act.

I have wrote to the Lords of Trade upon this ſubject with great ſincerity, though perhaps with more earneſtneſs than may be thought proper. I have confined myſelf to one argument only, the neceſſity of allowing and encouraging a trade between *North America* and the *Foreign* Plantations, if it is intended that the trade from *Great Britain* to *North America* ſhould be kept up even in its preſent ſtate, which in my ſimple reaſon is concluſive for the affirmative.

I am, &c.

LETTER IV.

To the Lords Commiſſioners for Trade and Plantations.

My Lords, *Nov.* 10, 1764.

I AM deſired by the Council and the Houſe of Repreſentatives of this Province, to lay before His Majeſty's Miniſters a copy of a petition which they have prepared, to be preſented to the Houſe of Commons; and to beſeech the favor of their great influence in behalf of their petition. I accordingly incloſe a copy of the petition, together with a copy of the addreſs, by which I am deſired to tranſmit it. I have ſo fully expreſt my ſentiments on theſe ſubjects in former letters to your Lordſhips, that, if I was to make a freſh repreſentation, it muſt chiefly conſiſt of a repetition of what I have before wrote.

This laſt ſeſſion was held ſolely to give the two Houſes an opportunity to ſend freſh inſtructions to their Agent. Previouſly to their meeting, there were ſome pains taken by ſome obſcure news-paper writers to inflame them; but their endeavours did not ſucceed; duty, prudence, and moderation, prevailed in a manner unexpected: ſo that there ſcarce ever was a more unanimous and quiet ſeſſion.

I am, &c.

LETTER

LETTER V.

To the Earl of ———.

My Lord, *Nov.* 10th, 1764.

I HEREBY encloſe to your Lordſhip a copy of a petition of the Council and the Houſe of Repreſentatives to the Houſe of Commons of *Great Britain*; which I am deſired by the ſaid Council and Houſe of Repreſentatives to lay before His Majeſty's Miniſters, and beſeech the favor of their great influence in behalf of their petition. I am alſo deſired myſelf to repreſent the ſubject-matter of their petition; and it is my duty to certify my opinion upon ſuch extraordinary and intereſting occaſions. I ſhall therefore, with great truth and ſincerity, acquaint your Lordſhip with my ſentiments, although I ſhall be obliged to repeat a good deal of what I have already wrote to your Lordſhip and the Lords of Trade upon theſe ſubjects.

The heads of the petition to the Houſe of Commons are theſe: 1. That the duties upon molaſſes are ſuch as will diſcourage the importation of it, and thereby hurt the *American* fiſhery. 2. That the reſtrictions laid upon the exportation of lumber will hurt the trade of *America*, without any advantage to *Great Britain*. 3. That the new-erected General Court of Admiralty will, by the extenſion of its juriſdiction, be very injurious to the defendants in that court. 4. That the Provincial Courts

of

of Admiralty are injurious to the liberty of the ſubjects, by determining upon their property without a jury. 5. That the ſending home to *England* the produce of the duties, and of the taxes propoſed, muſt take from the *Americans* the means of trade, and render it impracticable for them to make remittances to *Great Britain*. 6. That the trade of *America* is really the trade of *Great Britain*, and that the opening and encouraging it is the moſt effectual way for *Great Britain* to draw money from *America*.

1. I have heretofore conſidered foreign molaſſes as a fund for raiſing money; and as ſuch I have been of opinion that a duty of one penny halfpenny *per* gallon would raiſe more money than either a larger or ſmaller duty. But yet I am not ſo poſitive as to aſſert, that two pence *per* gallon may not raiſe as much, or poſſibly more; but I am perſuaded, that beyond that, the higher the duty, the leſs will be the revenue. In regard to the effect it will have upon our fiſhery, or any other ill effects, I don't care to prophecy evil; but in truth, I think that it is too dangerous an experiment to be tried; becauſe the evil conſequences, if any ſhould follow, would probably be irretrievable. Another argument in favor of the reduction of the duty to 2 *d.* which will weigh much with your Lordſhip, is, that it will be a very popular meaſure; inſomuch that I believe there is not a friend to the preſent government reſiding in *North America*, that does not wiſh that ſuch a reduction may be made agreeable to His Majeſty's Councils.

2. As

2. As to lumber, it ſeems to me that there is wanting a diſtinction of the different ſorts of it; particularly between that which is uſed in ſhip-building, and that which is uſed in houſe-building. To regard the exportation of lumber as a trade, it is much for the intereſt of *Great Britain* that it ſhould be extended as much as poſſible; as the profit of it will finally come to her. But it may be ſaid, that ſuch profits as ariſe from furniſhing our rivals with naval ſtores, would be a real detriment to *Great Britain*. Then it may be ſaid on the other ſide, ſeparate what are naval ſtores from the liſt of lumber, and let the other articles paſs. Suppoſe, for inſtance, *Portugal* and *Spain* (and *France* too if it pleaſes), would take all their pipe and hogſhead ſtaves from *America*, would not *Great Britain* finally reap all the advantages by the increaſe of the *American* remittances? In regard to *Ireland* being excluded having lumber from *America*, it is hoped that it is a miſtake, and as ſuch will be rectified: for it certainly will create a great inconvenience in the trade between *America* and that kingdom. In regard to lumber, two things ſhould be conſidered: 1. That it is all clear gain, proceeding from an inexhauſtible fund; and what is not cut, is loſt to the community: 2. That the vent of it encourages the clearing of lands, aud is the ſole ſupport of thouſands of uſeful ſubjects and great ſlaves, the firſt ſettlers of wild lands; and therefore the ſale of it ſhould be extended as far as well may be.

3. There

3. There is certainly an obvious occaſion for a general Court of Admiralty over all *America*, or very large diſtricts of it; which is this, whenever the parties of a cauſe, and the goods lye in different diviſions, the juriſdiction is lame. But then it ſhould ſeem, that ſuch general court ſhould be held as near the middle of its juriſdiction, as well may be. I therefore believe, that the ſituation of this court has a good deal contributed to the alarm it has occaſioned: for to be ſure, the inconveniencies of perſons being obliged to attend a court at great diſtances, which would be unavoidable, if the court was held in the middle of its juriſdiction, muſt be greatly magnified by the courts being held at the extremity of it; eſpecially where the aſſiſtance of able lawyers is not to be obtained in the manner in which it is to be had in the great cities of the Old Provinces. However, as I know not the reaſons why this court is eſtabliſhed at *Halifax* preferable to all other parts of *America*, I can give no opinion of my own upon it, no more than I can judge of the inconveniencies which may ariſe therefrom, until they become realized.

4. The Court of Admiralty in *America*, taking cognizance of, and determining upon, breaches of the law of trade, is now of eighty years ſtanding, and had its origin in an Act of Parliament. The reaſon for putting theſe cauſes into a courſe of trial, without a jury, undoubtedly aroſe from an apprehenſion that the juries in theſe cauſes were not to be truſted. The force of this reaſon

reaſon may have abated, but I cannot think that it is wholly deſtroyed: no candid man, I believe, will take upon him to declare, that at this time an *American* jury is impartial and indifferent enough, to determine equally upon frauds of trade. A compariſon with *Engliſh* juries will not hold; the diſcriminations are obvious. Nevertheleſs, the objection to the judge of the admiralty being paid by the poundage of the condemnation-money is very forcible; for thereby it is his intereſt to condemn rather than to acquit. The preſent Judge for this Province is, I believe, as uncorrupt as any one the King has; and he has frequently complained to me of his office being ſupported by ſuch means. About three months ago, I mentioned it to the Lords of Trade; and then recommended, that the judges and officers of the Admiralty might have ſalaries, inſtead of fees ariſing from condemnations.

5. The produce of the duties and internal taxes, impoſed on *North America*, are to be remitted to the King's Exchequer at *London*, and from thence to be diſpenſed to the ſervices to which they are appropriated. And this method, it is ſaid, will drain the *American* Colonies of all their ſpecies ſo effectually, that their trade muſt be deſtroyed for want of the means to carry it on; and a general bankruptcy muſt take place, before the money ariſing from theſe revenues can be returned back to it, though it ſhould in time be reſtored without any diminution. I do not mean to adopt this objection in the ſtrong terms in which I have ſtated it; but yet, I muſt

ſay, that there is no one of the new regulations that gives me ſuch apprehenſions of inconvenient conſequences as this does. I ſuppoſe it is not intended or deſired, that *America* ſhall raiſe more than what is neceſſary for her own ſupport and defence; and that it is intended, that what is raiſed from her people ſhall be expended among them. In this ſenſe, it is eaſy to conceive that the country may bear conſiderable duties and taxes, provided the money ſo raiſed is preſently after iſſued again, and the circulation of it is very little interrupted. But the caſe will be very much altered, if the money raiſed, by paſſing through many Offices, and being ſubject to ſeveral accompts, is to be dead to the people for a long time. In ſuch a caſe, a ſmaller tax may be much more detrimental to the people than a larger tax, where the money is quickly circulated. If this money is to be ſent to the King's Exchequer, and from thence to be ſent again to *America*, it will not be much leſs than three years from the time of its being collected, to the time of its being reſtored to circulation; beſides, that the expence of its travelling charges is to be added to the loſs of the uſe of the money. *America* has not a fund to bear this; which, according to plain arithmetic, will require a dead ſtock of three years value of the annual income of the revenue; and if it could bear it, by intereſt of money, and charge of double remittances, &c. it would ſuffer a loſs of 25 or 30 *per cent.*

Thoſe Colonies, whoſe common currency is paper, are obliged to keep a ſufficient quantity of ſpecie for the

the purpoſe of trade; and this is frequently run ſo near, that, upon an occaſional ſcarcity of money, trade is almoſt at a ſtand. I remember about four or five years ago, the remittances of the Government having been by ſome means delayed, the country could not ſupply the deficiency: and it was for ſome time apprehended, that the operations of the campaign would be defeated. This, if I remember right, was got over by the Government of *New York* ſtriking 50,000 pounds in ſizeable bills, and lending them to the General. If therefore an accidental delay of the remittances from *England* could occaſion ſuch an embarraſſment, and oblige the army to take paper in payment, how can it be expected that the ſame country ſhould be able to remit large ſums of ſpecie to the *Engliſh* Treaſury?

The Province of *Maſſachuſets Bay* is the only one of the old Colonies, that I know of, that enjoys a ſpecie currency. This reflects great honour upon the Province itſelf, as it is a great inſtance of their prudence, who took hold of a ſingular opportunity to deſtroy their paper money, which other Colonies, who had it equally in their power, neglected. It alſo affords an example to the reſt of *America*, to endeavour at the ſame acquiſition; and is an evidence of its practicability. But I fear that if the great ſums, which are expected to be raiſed in *America*, are to be tranſported to *Great Britain*, there will ſoon be an end of the ſpecie currency of the *Maſſachuſets*; which will be followed

by a total diſcouragement for other provinces to attempt the ſame in the future. In which caſe, perpetual paper money, the very negative power of riches, will be the portion of *America*.

6. Trade is a ſcience, which I have had little opportunity to ſtudy, and therefore it would be a preſumption in me to dictate upon it. However, as I have caught a few flying notions of it, I will venture to ſtate ſome principles which have occurred to me, with the conſequences which follow them. The two great objects of *Great Britain*, in regard to the *American* trade, muſt be, To oblige her *American* ſubjects to take from *Great Britain* only, all the manufactures and *European* goods which ſhe can ſupply them with: 2. To regulate the foreign trade of the *Americans*, ſo that the profits thereof may finally center in *Great Britain*, or be applied to the improvement of her Empire. Whenever theſe two purpoſes militate againſt each other, that which is moſt advantageous to *Great Britain* ought to be preferred. If the firſt of theſe purpoſes is well ſecured, the ſecond will follow of courſe. The only means of employing extraordinary profits of trade in *America*, is either by luxury at home, or by ſettling and improving lands. *American* luxury ſends the money to *Great Britain*, either mediately from the hands of the firſt expender, or immediately through the hands of the tradeſmen, huſbandmen, &c. with whom he deals. Settling and improving lands, is the means of raiſing and enabling other perſons to deal with

Great

Great Britain, and therefore it only poſtpones the remittances, hereafter to be made with intereſt. Therefore, if due care be taken to confine the ſale of manufactures and *European* goods (except what ſhall be permitted) to *Great Britain* only, all the profits of the *American* Foreign trade will neceſſary center in *Great Britain*. And therefore, if the firſt purpoſe is well ſecured, the foreign *American* trade is the trade of *Great Britain*: the augmentation and diminution, the extenſion and reſtriction, the profit and loſs of it, all finally come home to the mother country.

It has been long ago admitted, that the *American* trade with the *Spaniſh Weſt Indies* ought to be encouraged by all means: and why not alſo with the *French?* It is ſaid, that the *French* will not admit any trade, which is not advantageous to them. But how come they to have the power of picking and chuſing their trade as they pleaſe? Muſt not they ſubmit to wants and neceſſities as well as the *Spaniards?* Will not preſent convenience and private profit get the better of national conſiderations among the one as well as the other? It has done heretofore and will do again, if *Britiſh* prohibitions does not prevent it. I have been told, that in the former *Spaniſh* war, the Admiral, ſtationed at *Jamaica*, had orders to encourage and protect the *Engliſh* trade with the *Spaniſh Main*. And yet, in ſtrict law, a private correſpondence with enemies is treaſon. In the laſt war there was a conſiderable trade carried on from ſome of the *Britiſh* Colonies to *French Hiſpaniola*, by

by means of letters of truce. This trade (except ſuch part of it as was carried on with proviſions) was generally allowed to be very advantageous to *Great Britain*: and it has been ſuppoſed that it contributed not a little to the means of carrying on the war both in *America* and *Europe*. It is pleaſant, at this time, to obſerve the complaints of the *Jamaicans* upon their being obſtructed in carrying on their trade with the *Spaniſh Weſt Indies*; and yet they are for ſtopping and totally prohibiting the trade of the *North Americans* to the *French Weſt Indies*. They can ſee plainly the loſs to *Great Britain*, from their own trade being obſtructed; but they cannot diſcover the loſs which accrues from the obſtruction of that of *North America*. In truth, it is the intereſt of *Great Britain* that both the one and the other ſhould be encouraged as much as may well be. And the *Weſt Indians* ſhould be taught that equitable maxim of trade, "Live, and let live."

I have given your Lordſhip my thoughts upon theſe ſubjects, with great regard to truth in my opinion; and have accordingly treated the matters with ſuch freedom, as the importance of the diſquiſition, and my duty to give your Lordſhip the beſt information in my power, required. All which I humbly ſubmit to your Lordſhip.

And am, &c.

LETTER

LETTER VI.

To the Lord ———.

My Lord, *June* 23d, 1764.

I Am not now to acquaint your Lordſhip, that, ever ſince I have been in *America*, I have ſtudied the policy of the ſeveral governments, and endeavoured to acquire a true idea of their relation to *Great Britain*; but I have had no encouragement to reduce my thoughts into writing, as heretofore the unſettled ſtate of the publick offices afforded me no proſpect of a proper opportunity to communicate my ſentiments upon theſe ſubjects. However, this ſpring, I formed my thoughts into a kind of regular ſyſtem, as conciſe and as argumentative as could well be. And now I wiſh I had done it ſooner; for the late proceedings in Parliament have given ſuch a rouſe to the politicians in this country, that it ſeems that a publication of ſomething of this kind at this time might be of ſervice. But I could not venture upon it myſelf, not only from diffidence of my own judgement, but becauſe in my ſtation, I do not think myſelf at liberty to publiſh any thing of this kind, without firſt ſubmitting it to my ſuperiors.

I have therefore thought it proper to tranſmit to your Lordſhip two copies of this piece, that, if you think it deſerves notice, you may tranſmit them to my Lords——— and ———. Although it is conciſe,

ciſe, it is not obſcure; and though ſhort, it contains the heads of a great deal of matter; for it ſeems to me, that every thing I have to ſay of the *American* Governments in general, and my Province in particular, may be brought into commentaries upon this little piece; and for ſuch a purpoſe I have intended it. If it has any merit, I would have the honour of your Lordſhip's mediation; if it has none, I ſhall ſtand in need of your apology.

I am, &c.

LETTER VII.

To —— —— Eſquire.

Dear Sir, *July* 11, 1764.

IT ſeems to me that the affairs of *America* are becoming very critical; that common expedients would ſoon begin to fail; and that a general reformation of the *American* Governments would become not only a deſirable but a neceſſary meaſure. Full of theſe thoughts, when I was at *Concord*, attending the Aſſembly, I reduced my ſentiments upon this ſubject into writing, ſtudying, as much as poſſible, method, argument, and brevity. The writing itſelf is a haſty work, done at ſuch intervals of leiſure as I could catch; but the matter has been the ſubject of much deliberation, and will afford

afford heads for many uſeful and intereſting diſquiſitions.

As I much doubt of the propriety of my troubling immediately Lord ——— or Lord ——— with a paper of this kind; as I never have received a particular encouragement to take ſuch liberty; about a fortnight ago I ſent two copies of this paper to Lord ———, deſiring that, if he thought it proper, he would introduce them to the Lords ——— and ———. By this conveyance I ſend a third copy to Lord ———, and a fourth copy to Mr. ———, for his uſe and yours. Theſe are all I intend to part with. I directed the laſt to him, as I thought it probable you would ſee one of the two firſt.

I could (and probably ſhall) write large commentaries upon this analyſis; ſome of which will be exoterick, and ſome eſoterick. Many arguments may be offered in favour of this ſyſtem, which would be ſuitable to and operative upon the people; but more, and of more weight, that are fit, moſt fit, for the Cabinet. For my own part (I ſpeak with the vanity of a writer, and the prejudice of a ſyſtem-maker) my doubts are more employed, how far this plan may be agreeable to the ideas which the miniſters have already formed, than about its real truth and probable utility.

I am, &c.

LETTER VIII.

To —— —— —— Eſquire.

Sir, *Boſton, Sept.* 28, 1765.

BY my letter to Lord ——, bearing date the 7th inſtant, I informed that I had called the General Aſſembly to meet at *Boſton* the 25th inſtant: this was done not ſo much with the proſpect of ſucceſs, as that nothing might be left untried to procure obedience to the Act of Parliament. Before the Aſſembly met, I was particularly cautioned againſt ſpeaking freely on the ſubject of the Act of Parliament: that the people would not bear to hear of a ſubmiſſion to it; and therefore it would be beſt to ſay as little of it as poſſible. But I obſerved the violence of the mob had intimidated ſome of the beſt men in the Province, and left the cauſe of the King and Parliament almoſt without an advocate—that if I ſhould be awed alſo, ſo as not to explain to the Aſſembly the nature of the buſineſs for which they were called, there would be no means left to bring the people to their ſenſes, and open their eyes to the danger they were running headlong into. It was therefore neceſſary for me to ſpeak not only freely, but fully upon the ſubject; as my ſpeech would be the only antidote for the poiſon which was continually diſtributed in weekly papers. But I meant to be as cautious as I could, without weakening the force of my argument.

I ac-

I accordingly opened the Seſſion with the ſpeech as incloſed; and herein I muſt beg your Honor's indulgence, in regard to the improprieties of it; that you will be pleaſed to conſider it as addreſſed to a particular people, and for particular purpoſes, which induced me to treat a delicate ſubject with more freedom than I ſhould have done, if my cauſe had not required it.

I ſhall conſtantly communicate to your Honor what ſhall further happen upon this dangerous and critical occaſion; and muſt beg your obſervance of my difficult and perilous ſituation; in the midſt of thoſe who firſt ſtirred up theſe diſturbances; without a force to protect my perſon; without a Council to adviſe me; watched by every eye, and miſrepreſented and condemned for every thing I do on the King's behalf; not indeed charged perſonally with any default of my own, but continually arraigned and abuſed for the execution of the functions of my office. If things do not take another turn before the firſt of November, the appearance of Government will ceaſe; as the real authority has ever ſince the firſt riot. I muſt however, when I mention my being without a Council, except the Lieutenant Governor, whoſe zeal for his Majeſty's ſervice, and firmneſs of mind, has not been abated by the cruel treatment he has met with.

I incloſe with this, copies of my ſpeech to the General Court, the anſwer of the Houſe of Repreſentatives, and my reply thereto; from all which I hope it will appear that I have left nothing undone to procure that

obedience to this Act, which I think due to every Act of Parliament from all *Britiſh* ſubjects. I am told here, that I have done more than I need have done; in that I muſt judge for myſelf: certainly I have ſacrificed to my duty conſiderably. Such I reckon my loſing the general good-will and good opinion of the people, not by any act of my own, but by the unavoidable obligations of my office, in a buſineſs in which I had no concern but as an executive officer.

I would not preſume to give advice to his Majeſty's Miniſters of State: but yet I hope I ſhall be excuſed, when I reveal my earneſt wiſhes, that ſome means may be found to make it conſiſtent with the dignity of Parliament, to put the Stamp Act out of the queſtion, at leaſt for the preſent. For I am perſuaded, that meaſures, which are now become more than ever neceſſary for bringing *America* into good order, will meet with tenfold difficulty, if taken before the preſent fermentation has ſubſided. At preſent, by artifice, prejudice, and paſſion, good men and bad men are unaccountably confounded together; a little time and management will ſeparate them, and bring them under their proper arrangements.

I am, &c.

LETTER IV.

To the Lord ———.

My Lord, *Boſton, Nov.* 23d, 1765.

IT is not above a year ſince I troubled your Lordſhip with copies of an eſſay to delineate the *Principles of Law and Polity* applicable to the *Britiſh Colonies* in *America*. Among theſe, two principal concluſions were, that the regulation and reformation of the *American* government was then become a neceſſary work; and that the preſent was the moſt proper time to undertake that work. If I could have then ſpoke out with that earneſtneſs with which I thought upon the ſubject, I ſhould have urged it as a buſineſs which would admit of no delay; a buſineſs to which all others ought to have been poſtponed; as it was itſelf a neceſſary preparative to almoſt all others. But unfortunately (I ſpeak it feelingly), the buſineſs of finances took the lead: this was undoubtedly an urgent and primary concern of the Councils of *Great Britain*; but it did not follow, that it ought to be immediately extended to *America*. A little conſideration would have made it at leaſt doubtful, whether an inland taxation of the *Americans* was practicable or equitable at this time. If I had had the queſtion put to me, I think I ſhould have proved the negative in both particulars.

It muſt have been ſuppoſed, that ſuch an innovation as a *Parliamentary taxation* would cauſe a great alarm, and meet with much oppoſition in moſt parts of *America*: it was quite new to the people, and had no viſible bounds ſet to it; the *Americans* declared that they would not ſubmit to it, before the act paſſed; and there was the greateſt probability that it would require the utmoſt power of government to carry it into execution. Whereas, at this time, the governments were weak and impotent to an amazing degree; the governors and officers of the crown in ſeveral of the chief provinces intirely dependent upon the people for ſubſiſtence; the popular ſcale ſo much weightier than the royal, that it required addreſs and management and frequent temporiſing, to preſerve a tolerable balance; the perſons of the governors and crown officers quite defenceleſs, and expoſed to the violence of the people, without any poſſible reſort for protection. Was this a time to introduce ſo great a novelty as a *Parliamentary* inland taxation into *America?*

Nor was the time leſs favorable to the Equity of ſuch a taxation. I do not mean to diſpute the reaſonableneſs of *America* contributing to the charges of *Great Britain* when ſhe is able; nor, I believe, would the *Americans* themſelves have diſputed it, at a proper time and ſeaſon. But it ſhould be conſidered, that the *American* governments themſelves have, in the proſecution of the late war, contracted very large debts; which it will take ſome years to pay off, and in the mean time occaſion

very burdenſome taxes for that purpoſe only. For inſtance, this government, which is as much before-hand as any, raiſes every year 37,500 £. ſterling for ſinking their debt, and muſt continue it for four years longer at leaſt before it will be clear. If therefore the parliamentary taxation had been poſtponed for this time, and the interval employed in regulating and ſtrengthening the governments, it probably might have been then introduced without much difficulty. Now it ſeems that both one and the other are at a greater diſtance than ever.

It were much to be wiſhed, that *America* could be brought to the ſtate it was in two years ago; when there was a general diſpoſition to ſubmit to regulations and requiſitions neceſſary to the reformation of the governments, and aſcertaining their relation to *Great Britain*. But that time is paſt, and not to be retrieved. Since the inſurrections againſt the ſtamp act, the *Americans* have found the governments ſo contemptibly weak, and the people ſo ſuperior to royal authority, that they are not a little elated upon their triumphs over the defenceleſs officers of the crown; and ſeem to be reſolved, that their idea of their relation to *Great Britain*, however extravagant, various, and inconſiſtent, ſhall be the ſtandard of it: ſo that it is to be feared, that it will coſt much time and treaſure to bring *America* to that degree of ſubmiſſion which the Parliament will think neceſſary to require of them. The queſtion will not be, Whether there ſhall be a ſtamp act or not; but whether

ther *America* ſhall or ſhall not be ſubject to the legiſlature of *Great Britain*.

It is my opinion, that all the political evils in *America* ariſe from the want of aſcertaining the relation between *Great Britain* and the *American* colonies. Hence it is, that ideas of that relation are formed in *Britain* and *America* ſo very repugnant and contradictory to each other. In *Britain* the *American* governments are conſidered as corporations, empowered to make bye-laws, exiſting only during the pleaſure of *parliament*; who hath never yet done any thing to confirm their eſtabliſhments, and hath at any time a power to diſſolve them. In *America*, they claim (I mean in the publie papers) to be perfect ſtates, no otherwiſe dependant upon *Great Britain* than by having the ſame king; which, having complete legiſlatures within themſelves, are no way ſubject to that of *Great Britain*; which, in ſuch inſtances as it has heretofore exerciſed a legiſlative power over them, has uſurped it. In a difference ſo wide, who ſhall determine? The Parliament of *Great Britain*? No, ſay the *Americans* (I mean the violent of them); that would be to make them judges in their own cauſe. Who then? the King? He is bound by charters, or conſtitutions equal to charters, and cannot declare againſt his own grants. So, at this rate, there is no ſuperior tribunal to determine upon the rights and privileges of the *American colonies*.

But the general plea of the *Americans* againſt the ſtamp act is, that they are not repreſented in *Parliament*,

and

and therefore not liable to be taxed by it: to which it has been anſwered in *England*, that they are *virtually* repreſented in *parliament*. Each of theſe pleas tends to expoſe its own cauſe. If the *Americans* reſt their defence upon their not being repreſented, it is in the power of the Parliament, by admitting repreſentatives from *America*, to take away all pretence of their not being bound by its acts. On the other ſide, if the notion of the *Americans* being *virtually* repreſented ſhould be falſified in fact, the plea of the *Americans* will remain in its full force. Whereas the right of the Parliament of *Great Britain* to make laws for the *American* colonies, is founded upon its being the *ſupreme, imperial* legiſlature, to which all members of the *Empire*, whether repreſented or not, are ſubject in all matters and things, and in manner and form, as ſhall be judged moſt convenient for the whole.

But though the Parliament of *Great Britain* does not ſtand in need of a real or virtual repreſentation to ground its authority over the Colonies, it may now be worth conſideration, whether admitting repreſentatives from the Colonies may not be a proper expedient for the preſent exigencies. Two years ago, a propoſal of this kind would not have borne a hearing: but ſo much is *America* altered by the late financial acts, that a new ſyſtem of policy, and of a more refined kind than was wanted heretofore, is now become needful. The patchwork] government of *America* will laſt no longer: the neceſſity of a parliamentary eſtabliſhment of the govern-

ments of *America* upon fixed conſtitutional principles, is brought on with a precipitation which could not have been foreſeen but a year ago; and is become more urgent, by the very incidents which make it more difficult. The circumſtance of the *Americans* juſtifying their diſobedience by their not being repreſented, points out a method to enforce their obedience upon their own principles. Take them at their word; let them ſend repreſentatives for the preſent time, and for the preſent purpoſes: thirty for the continent, and fifteen for the iſlands, would be ſufficient. In this Parliament, the Colonies being actually repreſented, let the affair of the *American* governments be canvaſſed to the bottom; and let a general, uniform ſyſtem of *American* government be formed and eſtabliſhed by *Act of Parliament*, by which the *Americans*, according to their own principles, will be bound; and let the relation of *America* to *Great Britain* be determined and aſcertained by a ſolemn Recognition: ſo that the rights of the *American* governments, and their ſubordination to that of *Great Britain*, may no longer be a ſubject of doubt and diſputation. When this great work is done, the *American* repreſentatives *may* be diſmiſſed, and left to attend their own legiſlatures, which will then know the bounds of their own authority; or may be continued, as ſhall be found moſt adviſeable.

Ireland affords an example of the uſefulneſs of this work, and the manner of doing it. It is owing to the wiſe adminiſtration of *Ireland*, when it was firſt made a kingdom,

kingdom, that the form of government of that iſland, which is as perfect for a *dependent*, as that of *Great Britain* for a *ſupreme* power, has laſted now for *two hundred and ſeventy* years, without wanting the leaſt amendment of fundamentals. Haply *America*, in the formation of her government, had not the ſame care taken of her, to regulate her policy, and prevent the miſchiefs which the uncertainty of the relative powers of civil government, *imperial* and *ſubordinate*, is now bringing on like a torrent. The civil policy of *America* is compoſed of temporary expedients, all derived from the Crown only; not one of the *American* governments has that ſanction which none of them ought to be without, a *parliamentary* eſtabliſhment. And, until the Parliament ſhall eſtabliſh the *American* governments upon a conſtitutional bottom, and aſcertain the limitations and extenſions of their legiſlatures, it muſt be expected that the governments will be continually ſubject to diſturbance, whenever the *Americans* think fit to complain of innovations upon, and infringements of, their rights; that is, whenever any thing is required of them which they don't like.

Ireland alſo affords inſtances of every kind of regulation which *America* wants; which may be brought under theſe heads: 1. The governments (eſpecially in the old and ſettled countries) ſhould be compoſed of ſuch ample diſtricts as will enable the people to keep up the ſtate of government without feeling the burden of it: 2. There ſhould be one form of government, as

like as poſſible to that of *Great Britain*; that is, the ſame as *Ireland*; with a true middle legiſlative power, appointed by the King for life, and ſeparate from the Privy Council: 3. There ſhould be a certain and ſufficient civil liſt laid upon perpetual funds, for the ſupport of all His Majeſty's officers; ſo that they may not be too much dependent upon the people: 4. The ſeveral *American* governments ſhould maintain ſuch ſtanding forces as ſhall be thought neceſſary to be kept up in *America*, as their quota of the general armament of the empire, by raiſing the ſums requiſite therefor, and paying the ſame into the King's Treaſury in *America*; the numbers of men, and proportions of the ſeveral governments, to be ſettled by the Parliament of *Great Britain*: 5. There ſhould be a ſolemn recognition of the *ſupremacy of the Parliament of Great Britain* over the *American* governments; which ſhould be the firſt act of each Legiſlature after its new eſtabliſhment, and be the condition of its activity: 6. There ſhould be a general reviſal of the laws of *America*, that they may be reduced, as near as poſſible, to the ſtandard of *England*, and the adminiſtration of government and law may be rendered as ſimilar thereto as well may be.

You ſee here, my Lord, a ſcheme for ſettling *America*; which, I doubt not, will appear to be very extravagant. It may be ſo; but ſuch alſo is the ſtate of the country: extraordinary diſorders require extraordinary means of cure. It ſeems to me, that the government of *Great Britain* never had, in any time, a more difficult

cult buſineſs than what the *Americans* have now put into their hands. If therefore any ſcheme can be propoſed, which, by conſtitutional means, will probably compoſe the preſent diſorders, and prevent the like for the future, it is worth attending to. For this purpoſe, I have put theſe thoughts into writing, in an haſty manner; for at preſent I can write no otherwiſe: and I communicate them to your Lordſhip, that, if you ſhould think they deſerve a deliberate conſideration, you may procure it for them. I ſhall think myſelf very happy if I can contribute to the reſtoring the peace of *America*, and eſtabliſhing the governments of it upon a conſtitutional and permanent baſis, according to the foregoing or any other ſyſtem. The opportunities I have had of obſerving the policy and manners of many of the governments of *North America*, have afforded me a knowldege which might be made uſeful if I could freely communicate it; which cannot be done without my perſonal attendance. I ſay this upon a preſumption that ſome effectual regulation of the government of *America* is like to be brought on the carpet: but, if nothing is to be done but making peace with the *Americans*, and letting them go on in their own way, and according to their own notions, no great conſideration will be neceſſary.

I am, &c.

LETTER

LETTER IX.

To —— ——— Eſquire.

Dear Sir, *Boſton, Dec.* 14, 1765.

I Doubt not but the preſent ſtate of *America* will occaſion a great diverſity and ſome perplexity in the Councils of *Great Britain*. This muſt ſhow a neceſſity of regulating the Colonies effectually without delay, and may give an opening to the conſideration of ſome propoſals which have been heretofore diſregarded. You may remember that, about a year and a half ago, I ſent home a ſmall argumentative piece, intituled, "*Princi-*"*ples of Law and Polity, &c.*" I ſent but four copies of it; and as I knew you would have the command of one or two of them, did not ſend one directly to you: as it was then taken no notice of, I ſuppoſe it is now entirely forgotten: and yet it is now worth while to reviſe it; to ſee how haſtily thoſe evils, which I ſuppoſed then to be at no great diſtance, have come upon us. The preſent diſtreſſes of the *American* governments are fatal and unhappy comments upon my work, ſuch as I never deſired to ſee. A further delay of a Parliamentary regulation of the *American* governments, and above all, aſcertaining the nature of their ſubordination, will, I fear, make the buſineſs irretrievable. When the *Americans* have actually acquired the power of defying the *Parliament*, which ſome of them vainly pretend

to now, a ſeparation will ſoon follow. The weak patchwork government of this country has no power to defer ſuch an event one hour after the people have reſolved upon it.

I now ſend you a copy of the *Principles, &c.* and deſire that you would again peruſe it, and apply it to the preſent times. If you ſhould think that it may be made ſerviceable to the grand buſineſs in hand, you will uſe it to that purpoſe, either by communication in manuſcript, or, if it is like to be of general uſe, by printing. Having now looked over it at a year's diſtance, I find no reaſon to alter my opinion in any article, excepting in regard to the allowing the *Americans* Repreſentatives in Parliament. I then conſidered this as a matter of indifference; I do not think it ſo now: it ſeems to me, at this time, to be capable of being made an uſeful expedient, or rather a refined ſtroke of policy.

The chief arguments of the *Americans* againſt their being ſubject to Acts of Parliament which impoſe inland taxes (and it will hold equally good againſt all other Acts of Parliament for the regulation of their internal policy) is, that they are not repreſented in Parliament. This is the Palladium of their cauſe: but they have of late diſcovered, that this is a dangerous argument; for if the Parliament ſhould allow them to ſend repreſentatives, they are concluded, and muſt then be bound, by Acts of Parliament, according to their own principles. Therefore of late, when they uſe this argument, they add, that ſuch a repreſentation is impracticable.

ticable. Now it certainly is not ſtrictly impracticable; though it may be difficult, inexpedient, or improper. But it ſeems to me, that it is both expedient and proper for the preſent time and purpoſes. The Parliament muſt now interpoſe for regulating the policy of *America*, or elſe all things will run into confuſion. But if they proceed to ſuch regulations, whilſt the *Americans* diſpute their authority, what can be expected but an enforced obedience, whilſt the ſeeds of oppoſition lie ready to ſhoot up in a proper ſeaſon? whereas, if the Parliament firſt removes the pretence for the Colonies not being ſubject to it, there can be no pretence for their diſobedience afterwards.

Beſides, if the Parliament ſhould undertake ſo important a work as the new modelling the governments in *America*, which ſeems to me to be at this time unavoidable, it appears reaſonable that the Colonies ſhould have their Deputies in the Houſe, both to hear and to ſpeak upon the ſubject relating to them. If they were allowed this liberty (even though they did not accept it, as probably ſome of them would not) they could not complain of their rights being diſpoſed of without their being heard, as they do now. For a liberty of ſending Repreſentatives would conclude them, whether they ſent them or not. And this leads me to ſay, that I do not propoſe *American* Repreſentatives as a perpetual eſtabliſhment, but only as a temporary ordinance. When the buſineſs is done, the governments new modelled, their Legiſlatures eſtabliſhed upon conſtitutional princi-

ples

ples and a permanent bottom, and a recognition of the ſupremacy of the Parliament of *Great Britain*, paſſed the new Legiſlatures as a firſt and conditional Act, there will be no longer occaſion for *American* Repreſentatives; they may return and ſerve in their own Aſſemblies, which then may be as ſeparate from that of *Great Britain* as that of *Ireland*.

I have made this letter longer than I intended; indeed the ſubject of it engages all my thoughts. I hope the preſent diſorders of *America* will occaſion ſuch effectual meaſures being taken, as will prevent the like for the future. The Stamp Act ſeems to me to be like a ſudden accident to an human body, which occaſions its flinging out ſome latent diſeaſe, which, if it had been concealed much longer, would have been paſt curing. I hope the State doctors have diſcovered this diſeaſe in time, and will apply proper remedies to it: they muſt begin with palliatives, but they muſt ſearch it to the bottom before they have done.

I am, &c.

LETTER XI.

To —— —— —— Eſquire.

Sir, *Boſton, Feb.* 28, 1766.

IN my letter to your Honor, dated *January* 25, I mentioned my opinion, that, whenever an intermiſſion of the preſent troubles ſhould allow of my abſence for part of a year, I could not be better employed, than by being ordered home to make a report of the preſent ſtate of this country. As the Aſſembly is now broke up in tolerable good humour, the time ſeems favourable to me to purſue the ſame ſubject; and, from ſhewing the neceſſity of taking ſome extraordinary meaſures for the regulation of government of this country, evince the expediency of his Majeſty's miniſters procuring the moſt preciſe information concerning the preſent ſtate of it; that, by tracing the ſources of the diſeaſe, they may be more able to apply the moſt proper remedies to them.

The Stamp Act is become in itſelf a matter of indifference; it is ſwallowed up in the importance of the effects of which it has been the cauſe. The taxing the *Americans* by the Parliament, has brought their very ſubjection to the Crown of *Great Britain* in queſtion. And as the relation between *Great Britain* and the Colonies has not only been never ſettled, but ſcarce ever formally

formally canvaſſed, it is the leſs ſurpriſing, that the ideas of it on one ſide of the water and on the other are ſo widely different. To reconcile theſe, and to aſcertain the nature of the ſubjection of the Colonies to the Crown of *Great Britain*, will be a work of time and difficulty, even though the Stamp Act ſhould be removed to pave the way for it.

This will be the caſe of the Royal Governments, even the beſt of them; and in this government the Royal Authority will never recover itſelf again, without the interpoſition of *Great Britain*. The people have felt their ſtrength, and flatter themſelves, that it is much greater than it is; and will not, of their own accord, ſubmit readily to any thing they do not like: and there is no internal principle of policy which can by any means reſtore the power of Government, and enforce a due ſubordination. In this Province (which, though Royal in the appointment of a governor, is democratical in all its other parts, eſpecially in, what is frequently regretted, the appointment of the Council) the ſprings of Government are ſo relaxed, that they can never recover their tone again by any power of their own. This is the general opinion of the wiſeſt and moſt reſpectable perſons in the Province, with whom I have talked upon this ſubject.

It is not ſo difficult to determine what ſhall be done, as how to do it; the faults of the conſtitution are obvious, but it is not ſo clear how they ſhould be remedied. For this purpoſe it is highly proper, that as

perfect an idea of the Government, the defects of its form, and the abuſes of it ſhould be obtained, as well can be had. This does not come within the reach of common obſervers: it is to be acquired only by an attention on the ſpot, with a power of examining it as well by known rules of policy, as by compariſon with other ſtates. This will be the buſineſs of but few, and of thoſe only whoſe employment naturally leads them into it, and affords opportunity for it.

If his Majeſty's Miniſters ſhould think it neceſſary to have a repreſentation of the preſent ſtate and exigencies of this Province from an eye-witneſs of its diſorders, I could recommend no one for that purpoſe ſo well as myſelf. I have well ſtudied the ſubject, with a cloſe and intereſting attention, for near ſix years. As I came hither without any attachments to this form of government, other than the obligations I am under to obſerve and maintain it whilſt it is committed to me, I have been uſed to examine it ſpeculatively with freedom, and have not ſhut my eyes to its faults and deficiencies. From arguing upon the original unconſtitutionality of the Government, I am now brought to the obſerving its extreme weakneſs, and great inability to anſwer its own purpoſes in a time of trial. In this I am not ſingular: the late commotions have opened the eyes of the moſt prudent and conſiderate, and have ſhewn how much the preponderancy of the popular ſcale tends to defeat the principal ends of Government, the

the peace of the country, and the good order of the people.

The ſubject-matters of theſe conſiderations are of a very delicate, as well as a very intereſting nature. If there was no danger in treating them with freedom, which is far from being the caſe with me, there would be no little difficulty, at this diſtance from his Majeſty's Councils, to diſtinguiſh on what points or queſtions informations may be wanted. If this difficulty ſhould be removed, ſtill the other muſt make a ſtrong impreſſion upon the mind of a prudent man. A repreſentation of the preſent ſtate of this country, and the diſorders of this government, under the hands of a reſident in the midſt of it, would be a taſk of ſo much danger, that it muſt neceſſarily be executed with too much caution and reſerve: whereas a communication in perſon would be free from theſe difficulties, and in all reſpects be more effectual and concluſive.

I have neither buſineſs nor pleaſure to call me to *England*; but I am deſirous of being as ſerviceable as poſſible at this critical and dangerous time; and I perſuade myſelf (perhaps not without ſelf-flattery) that I ſhould be moſt ſo in the quality of a Reporter of the preſent ſtate of this country. I have ſtudied the policy of *America*, on the ſpot, for near eight years; and have long ago foreſeen, that a diſpute, concerning the nature of its ſubjection, muſt neceſſarily happen ſome time or other, if not prevented by particular meaſures for that purpoſe. Indeed, I did not expect it would have

have been brought on ſo ſoon, by many years: but perhaps it is happy for *Great Britain*, that it has been thus accelerated.

I ſhall be proud to receive your Honor's commands upon the aforementioned ſubjects; and I will beg leave to obſerve, that, if they are to contain an order for me to proceed to *England*, it would be convenient, that ſuch order ſhould arrive as ſoon as well may be; for, in ſuch caſes, there will be no time to ſpare for me to get to *London* at the beginning of the next winter.

I am, &c.

LETTER XII

To the Earl of ——.

My Lord, *Boſton, Aug.* 25, 1767.

I BEG leave to lay before your Lordſhip a repreſentation of the ſtate of the currency of this Province, tending to ſhew the ill effects which the encouragement of paper-money in the neighbouring Colonies will bring upon it. The occaſion of drawing up this repreſentation was this: It appeared in the *London* news papers, that *Dennis De Berdt* Eſquire, *agent for Maſſachuſets Bay*, joined other agents of the Colonies in their ſolicitation for a permiſſion to create paper-money. If

Mr

Mr. *De Berdt* had been agent for *Maſſachuſets Bay*, as he really never was more than a *Charge des Affairs* of the Houſe of Repreſentatives, he could not have done any thing more contrary to the ſenſe of this Province, than appearing as an advocate for paper-money. As this people have had full experience of the miſchiefs of that currency, there is nothing they more dread than the return of it among them.

In the laſt ſeſſion, the Council, taking into conſideration the forementioned news-paper article, thought it proper that a repreſentation ſhould be made, to prevent this Province being ſo far miſunderſtood as to be ranged among the ſolicitors for paper-money; a ſpecies of riches which they never deſire again to acquire. For this purpoſe, the Council endeavoured to engage the Houſe to join with them: but, the Houſe chuſing to act ſeparately, the Council proceeded to appoint a Committee to draw up a repreſentation, to be tranſmitted by the governor to his Majeſty's Miniſters. The incloſed is the produce of this reſolution, which I beg leave to ſubmit to your Lordſhip, to be laid before his Majeſty, if it ſhall be thought proper. This remonſtrance is founded only upon an apprehenſion of the miſchiefs that will ariſe to this Province by removing the preſent reſtraints upon making paper-money within the adjoining Colonies: although the arguments uſed in it conclude againſt the uſe of paper-money in general. The few obſervations I have to make upon this ſubject, I ſhall apply to the general queſtion.

When

When I firſt came to *America* as Governor of *New Jerſey*, I was placed among paper-money the moſt creditable of any on the continent, never depreciated, and accompanied with a ſufficient quantity of ſilver ſpecie for external trade: and yet, through all this fair face, the ill conſequences of thoſe emiſſions were very apparent at no great diſtance. In the firſt place, there was no obligation for redemption at a certain time, notwithſtanding inſtructions to Governors, and clauſes of bills in purſuance thereof. For before any ſett of bills were redeemable, another ſett of bills were emitted, with the uſual clauſe of their being a general tender. They therefore were a tender at the Treaſury for the redemption of expired bills. In vain, therefore, did the poſſeſſor of bills read upon the face of them, that he was entitled to a certain quantity of ſilver; when he applied for it, he might be told, that by ſubſequent laws the ſilver was turned into paper, and that he would have no right to inſiſt upon being paid in ſilver, whilſt any emiſſion of bills remained unexpired. This was generally underſtood to be the law: but it was certainly not ſo with regard to the poſſeſſors of the bills who were not ſubjects of the province, and therefore were not bound by the ſubſequent laws ſubſtituting new bills in lieu of the ſilver promiſed by old ones.

We read in the news-papers, that the merchants of *London*, who ſolicit for leave to emit paper-money, propoſe that this paper-money ſhall not be a tender for debts due to *Britiſh* creditors. They are

in

in the right to take care of themſelves; but they ſhould alſo have conſidered the propriety of their endeavouring to put others under dangers and difficulties which they proteſt againſt for themſelves. If there is no danger of the paper-money, for which they ſolicit, depreciating, why won't they run the riſk of it themſelves? if there is a danger, why will they ſolicit it? if they would perſuade the Parliament to have confidence in *American* paper-money, they ſhould ſhew it in themſelves: but I believe every one will be for guarding againſt it as well as they can. If the *Britiſh* creditors are to be exempted from the clauſe of tender, they of *Maſſachuſets Bay*, which deals only in ſpecie, have a right to expect the ſame exemption; the colonies, whoſe paper has not depreciated, will expect to be exempted from that which is now in actual depreciation; and, in the next ſtep, each colony will require to be exempted from the paper of all others: and, at length, as the circulation is contracted, and the credit impaired, the people will want to be exempted from their own paper.

I remember upon a time, when I had the honor to converſe with the late Earl *Granville*, then Lord Preſident of the Council, upon the ſubject of paper-money, his Lordſhip obſerved, that enforcing its currency deſtroyed its credit; and added, that if Bank bills, which were now current almoſt preferably to caſh, were to be made by act of Parliament a legal tender, they would immediately depreciate. This obſervation is at firſt very ſtriking, and, when applied to the *American* paper-

money, forms an argument that is unanſwerable. Every ſtate or corporation, as well as private perſon, has a certain quantity of credit, within which they can borrow any money they pleaſe. Every colony, I ſuppoſe, is at liberty to borrow money in this way; and ſo long as their credit keeps up, their ſecurities will circulate. But when they come to aſk leave to enforce the circulation of ſuch ſecurities beyond their natural credit, what is it but to oblige people to lend them money whether they will or not; or, in other words, to take from the people their money againſt their will? I have always thought, that to oblige people to take paper inſtead of money, except under the exigencies of real neceſſity, is a very deſpotic act: and yet in *America*, becauſe it has happened to coincide with the ſchemes and intereſts of the popular leaders, it ſeems to have changed its nature. What would be ſaid, if the Parliament of *Great Britain* ſhould raiſe money by iſſuing notes enacted to be legal tenders?

A principal objection againſt paper-money ſeems to me not to be taken notice of ſo much as it deſerves. It is this: When the currency is the only ſpecie, it forms a kind of barometer whoſe riſing and falling ſhows the people the increaſe and decreaſe of the general ſtock. If they are carrying on a loſing trade, or import more than their exports will pay for, or live at a greater expence than their income will bear, the want of caſh gives them warning, and obliges them to attend to it. But where the currency is paper, and that in plenty,

a people may go on, by the various means of a loſing trade, unneceſſary imports, and extravagant living, to the utmoſt extremity of bankruptcy, without having any warning, except perhaps the depreciating of their paper. And this laſt is generally made uſe of to encreaſe the calamity, by the introduction of numberleſs frauds, for which it is peculiarly calculated. So that when the people are obliged to ſtrike a balance, they find themſelves deep in debt, without a ſhilling to pay, without money, and without credit, calling in vain as privates, for what they owe to themſelves as a public. I have in a former letter to your Lordſhip's office, called paper-money the negative power of riches; it is doubly ſo: it at firſt occaſions all the ſpecie in the country to be carried out of it; and afterwards it creates a want of an extraordinary quantity of ſpecie to pay the debts, of which it bears the teſtimony.

But after all that has been ſaid againſt paper-money, I am ſenſible that it is not ſo eaſy to tell how to get rid of it, as it is to ſhew its miſchievouſneſs. A colony who ſets about changing their paper into a ſpecie currency without a lucky opportunity, ſuch as the *Maſſachuſets* laid hold of, will have many difficulties to ſtruggle with before they attain their end. But they muſt ſucceed, if they perſevere; for a balance of trade in their favor, and a proper œconomy in their domeſtic expences, muſt produce an encreaſe of ſpecie, until there is enough for the ordinary currency. But the misfortune is, that the advantages propoſed from ſuch

an effort are diſtant, and the inconveniencies attending it are immediate. People are too intent upon the preſent; they would have poſterity do ſomething for *them*; and by the means of paper-money they really effect it. Hence ariſe ſolicitations for paper-money, firſt founded on ſelf-intereſt, and afterwards enlarged by connexions. But ſurely if people would look forward for a few years to come, they would chearfully ſubmit to ſome temporary inconvenience, in order to remove the accurſed thing from them, and ſubſtitute in its ſtead real riches and true credit for all future time.

I have, according to the deſire and expectation of the Council, communicated to your Lordſhip my ſentiments upon the ſubject of the papers encloſed; at the ſame time I ſubmit them. I have run into greater length than I intended; but I hope the importance of the ſubject, and the earneſtneſs of this government to bear teſtimony againſt paper-money, will excuſe it.

I am, &c.

LETTER

LETTER XIII.

To the Lord —— ——.

My Lord, *Boſton, Jan.* 28, 1768.

I Underſtand that it is a prevailing opinion on your ſide the ocean, that *America*, if let alone, will come to herſelf, and return to the ſame ſenſe of duty and obedience to *Great Britain* which ſhe profeſſed before. But it ſeems to me, that diſcerning and conſiderate men on this ſide the water expect no ſuch thing. If indeed the ill temper of the *Americans* had aroſe from accidental cauſes, and exerciſed itſelf without meddling with fundamental principles, the cauſe ceaſing, the effects might alſo ceaſe; and the ſubject of complaint being removed, a perfect and durable conciliation might be reſtored.

But when the diſpute has been carried ſo far as to involve in it matters of the higheſt importance to the *imperial Sovereignty*; when it has produced queſtions which the *Sovereign* State cannot give up, and the *Dependent* States inſiſt upon as the terms of a reconciliation; when the *Imperial* State has ſo far given way as to let the *Dependent* States flatter themſelves that their pretenſions are admiſſible; whatever terms of Reconciliation time accident or deſign may produce, if they are deficient in ſettling the true Relation of *Great Britain* to her *Colonies*, and aſcertaining the bounds of the Sovereignty of

the

the one, and the *Dependance* of the other, Conciliation will be no more than a ſuſpenſion of animoſity; the ſeeds of which will be left in the ground ready to ſtart up again whenever there ſhall be a new occaſion for the *Americans* to aſſert their independence of the authority of *Parliament*; that is, whenever the *Parliament* ſhall make ordinances which the *Americans* ſhall think not for their intereſt to obey.

It was eaſy to be foreſeen, that the diſtinctions uſed in *Parliament* in favor of the *Americans*, would be adopted by them and received as fundamental laws. It would ſignify nothing by what number theſe diſtinctions were rejected: the reſpectableneſs of the names of the promoters of them, and the apparent intereſt of the *Americans* in maintaining them, would outweigh all authority of numbers for the contrary opinion. It was alſo to be foreſeen that the *Americans* would carry theſe diſtinctions much further than the promoters could poſſibly intend they ſhould be. But yet they never gave me any concern; becauſe they carriedheir remedy with them: if they were hurtful to the conſtitution, they had an antidote at hand, and, like the ancient ſpear, if they wounded the Sovereign ſtate, they produced a ruſt to cure it. If the *Parliament* cannot tax the *Americans* becauſe they are not repreſented, it may allow them Repreſentatives, and the authority is complete.

I have been uſed, and always diſpoſed, to ſet a high value upon the wiſdom of ſtateſmen, perhaps ſometimes higher

higher than it may deſerve; and I am ſtill deſirous rather to err on that ſide than the oppoſite. When the great Man, for whoſe political abilities I then had and ſtill have the higheſt reverence, founded his impeachment of the power of *Parliament* to tax the *Americans* upon the want of *American* Repreſentatives, it appeared to me to be a ſtroke of refined policy. I conſidered this difficulty to be ſtarted, in order to inforce the neceſſity of allowing the *Americans* to ſend Repreſentatives to *Parliament*. I conſidered not only the advantages which might ariſe from ſuch an ordinance for the preſent, by removing all objections to the power of *Parliament*; but alſo the benefit which muſt ariſe for the future, by incorporating *America* with *Great Britain* in an Union, which muſt more effectually prevent a ſeparation than can be provided by any other means. If this purpoſe had been purſued to this concluſion, the author of it would have been deſervedly eſteemed the benefactor of both countries. Without this concluſion, it is not eaſy to ſee how this contravention of the *Authority* of *Parliament* can be of ſervice to either.

Let us ſtate the poſitions, urged in Parliament on the behalf of the *Americans*, and the uſe which has been made of them in *America*, and ſee how far the chain of reaſoning can be extended. It was ſaid in Parliament, that, 1. The *Parliament* had no right to tax the *Americans*, becauſe the *Americans* have no Repreſentatives in *Parliament*. 2. But they have a right to impoſe *port duties*, or *external* taxes, becauſe ſuch duties are for the

the regulation of trade. 3. The difference between an *external* and *internal* tax is, that the former is impoſed for the regulation of trade, and the latter for raiſing a revenue. From theſe premiſes, the *Americans* have drawn the following concluſions: 1. *Port duties*, impoſed for raiſing a revenue, are *internal* taxes. 2. *Port duties*, of which the produce is to be paid into the Exchequer, for the uſe of Government, are impoſed for raiſing a revenue. 3. The produce of all the *port duties*, impoſed upon *America*, is ordered to be paid into the Exchequer, for the uſe of Government. 4. All the *port duties*, impoſed upon *America*, are *internal* taxes. The only difference between the *port duties* declared to be for raiſing a revenue, and thoſe of which no ſuch declaration is made, is, that in one, the intention is explicit; in the other, it is implied: they both come within the definition of *internal* taxes, and there are no taxes left for the diſtinction to operate upon.

This is not a fictitious argument, but a real one, now urged and inſiſted upon as the terms of a good agreement between *Great Britain* and her Colonies. For proof of which, I refer your Lordſhip to the Farmer's Letters, in which you will find the whole of this argument laid either poſitively or conſequentially. What then ſhall be done? ſhall the Parliament make a new declarative Act? ſee! here are counter declarations to the former Act. Shall they take no notice of theſe *American* pretenſions? they will then be confirmed in the minds of the *Americans*, and become really what they

they are now really proclaimed to be, a Bill of *American* Rights. The right way to get rid of theſe difficulties, which have aroſe out of the political diſſenſions at *Weſtminſter*, is to allow the *Americans* to ſend Repreſentatives. This will be a full anſwer to all their pretenſions: it has been for ſome time paſt expedient; it is now become neceſſary.

In one of the news-papers, incloſed with this, is a ſpeech, ſaid to have been ſpoke in the Houſe of Lords, which has been reprinted from a *London* Pamphlet. The whole argument of this does not tend to ſhew that the *Americans* ought not to be taxed; but that, previouſly to their being taxed, they ought to be allowed to ſend Repreſentatives. This has been extremely well received here, although the concluſion is for an *American* repreſentation. If this was really a ſpeech of a Lord of that Houſe, it might have been properly anſwered by admitting the concluſion, and thereby avoiding a diſpute about the premiſes. If the *Americans* ſhould be allowed Repreſentatives, it would become a queſtion merely ſpeculative, whether Repreſentation is neceſſary to Taxation or not.

And yet the *Americans* in general do not deſire a Repreſentation, though the publications on their behalf all tend to that concluſion: and ſome of them ſeem calculated to force the Parliament into that meaſure, as the only one which will ſatisfy them. The truth is, that though the leaders of the people ſet out with a view of obtaining a Repreſentation, and have never loſt ſight of

it; it has but lately occurred to the People in general, that this may be a probable conſequence of their denying the authority of Parliament: the former have had no objection to being Repreſentatives; but the People have not as yet ſeen their intereſt in ſending them. It is from this diſpoſition in the demagogues, as well as from the ſupport they received in Parliaments turning upon the ſame queſtion, that the *Americans* have founded all their arguments againſt the authority of *Parliament*, on their want of Repreſentatives in it; and a ſyſtem for ſeparating them from *Parliament*, is formed upon a propoſition, which it is in the power of the *Parliament* at pleaſure to convert into the means of more cloſely uniting them with it. But the mutual intereſt of the two countries ſeems to be equally miſunderſtood on both ſides of the water.

I will illuſtrate this account of the ideas of the *Americans* by a freſh fact. At the opening of the preſent Seſſion of the Aſſembly of this Province, a Member, who had diſtinguiſhed himſelf by carrying the objections to the authority of *Parliament* to their greateſt length, now in a ſet ſpeech, retracted all his former opinions; and ſaid, that he had fully informed himſelf of the relation between *Great Britain* and her Colonies, and was convinced, that the power of *Parliament* over her Colonies was abſolute, with this qualification, that they ought not to tax them, until they allowed them to ſend Repreſentatives; and that, if the Colonies had Repreſentatives, the power of *Parliament* would be as perfect

fect in *America* as it was in *England*. He then argued for an *American* Repreſentation, and ſaid it was now become a meaſure neceſſary to *Great Britain* and the Colonies, for the healing the breaches between them.

This ſurprized the Houſe: but their eyes began to open. A member, on the ſide of government, charged the oppoſition with an intention to make an *American* Repreſentation neceſſary, by their denying the authority of Acts of *Parliament* over them, becauſe they were not repreſented. The proofs he adduced, and the equivocal anſwers of the other party, left little doubt of this. Upon this, an old member (whoſe name and character is well known in *England*) ſaid, that as they were determined to have Repreſentatives, he begged leave to recommend to them a merchant, who would undertake to carry their Repreſentatives to *England*, for half what they would ſell for when they arrived there.

It has been a ſerious objection, that *American* Repreſentatives would be ſubject to undue influence: but are not *Engliſh* Repreſentatives ſo? and is that, an argument againſt having Parliaments? Another is, that the Colonies would not be able to maintain them. Both theſe, which contradict each other, would be eaſily anſwered. But the moſt intereſting objection, which is not avowed, and therefore cannot receive a formal anſwer, is, that an *American* Repreſentation will take away all pretences for diſputing the ordinances of *Parliament*. The admiſſion of *American* Repreſentatives in *Parliament*, will allow of the continuing the Provincial Aſſemblies

for the purpoſes of Domeſtic Œconomy; and therefore no objections can be drawn from the ceſſation of the inferior Legiſlatures: the ſuppoſition of which would create infinite difficulties.

Upon the whole, my Lord, if there was no neceſſity for the appointment of *American* Repreſentatives (which I think there is, and that very preſſing) the idea of it greatly enlarges my view of the grandeur of the *Britiſh Empire*. And, if there is any danger of its falling to pieces, which ſurely cannot be too much guarded againſt, it ſeems to me that nothing can ſo effectually provide againſt ſo fatal an event, as binding the Colonies to the Mother-country by an incorporating Union, and giving them a ſhare in the Sovereign Legiſlature. If this was done, there could be no diſpute about the rights and privileges of *Americans* in contradiction to thoſe of *Britons*; and an oppoſition by force to the Government of *Great Britain*, would have but one name. And then we might expect a longer duration to the entire *Britiſh Empire*, than deſponding politicians are willing to promiſe at the preſent time, and in its preſent ſtate.

I am, &c.

LETTER XIV.

To —— —— Eſquire.

Dear Sir, *Boſton, Sept.* 20, 1768.

I HAVE received both your kind letters, of *July* 9th and 30th, and am much obliged to you for your friendly profeſſions of an attention to my intereſts. I am ſenſible that you never have been without it; and muſt congratulate myſelf, that you are placed in a ſtation which will afford you frequent opportunity of exerciſing your regard for me.

The hint you have given me of my appearing to want Confidence in Government, has been partly explained in ſome private letters, which have been communicated to me. I learn that my Speech, my Anſwer to the town, my giving way to the populace, &c. have done me much injury, ſo that my want of Spirit, in conducting the new meaſures, is much ſuſpected. As for my Speech (I know not which is meant) and my Anſwer to the town, I would ask what Conceſſions have I made that I ought not to have done? or what elſe is blameable in them, except uſing civil words? and of what ſervice, at that time, would have been the uſe of harſh words? As for giving way to the populace (in whoſe hands, be it obſerved, I have been left for above three years) I would again ask, what have I given up

to

o them that I could maintain? And how would it have ſerved his Majeſty's cauſe, for me to have provoked the people, in whoſe power I was, to have knocked me on the head, or drove me out of town?

They, who ſuſpect my want of Spirit, ſhould go back to the latter end of the year 1765, and the beginning and greater part of 1766; when my friends in vain endeavoured to perſuade me to conſult my Safety at the expence of my Duty: let them read my Speech on *October* 25, 1765, of which the Lieutenant Governor ſaid ſome time after, that he was ſurpriſed to ſee me in the Province ſo long after I had made that ſpeech. In this ſpirited conduct, I perſiſted till I found it did not agree with the Syſtem at home, which required lenient meaſures and ſoft ſpeeches to bring about Conciliation without Correction. I knew that this would not do with the people I had to deal with: but I could not diſpute about it. And now the Syſtem is changed, and ſpirited meaſures are found neceſſary, why ſhould it be ſuppoſed that I cannot reaſſume ſuch a conduct under the aſſurance of being ſupported, when I ſo readily aſſumed it upon my own judgement only, without knowing whether I ſhould be ſupported or not? All the reaſon I can ſee for ſuch a ſuſpicion, is, that I was not, at the diſtance of 3000 miles, acquainted with the political change, at the time it took place in *London*, and continued to act upon the old Syſtem before I was well informed of the new one.

I am

I am indeed a good deal worn with my former ſervice, which has been ſevere and diſpirited for three years paſt; and I had expectation that I was even now going to receive my reward, in being placed in a ſtation where I ſhould have health, peace, and competence. I carried my expectation ſo far, as to engage a cabbin, and fix upon a day for embarking. But ſince the King's ſervice requires that I ſhould continue here in further action, I ſubmit chearfully to my deſtination; and hope I have ſtrength enough to ſerve another campaign. If the diſpute laſts much longer, it will be too much for me. I therefore hope that my Lord ————'s kind intentions towards me will be kept alive, till they have their full effects, and that at no great diſtance of time.

I am, &c.

PRINCIPLES

OF

LAW and POLITY,

Applied to the Government of the *Britiſh Colonies* in *America*.

Written in the Year 1764.

*** This is the Eſſay mentioned in the Letters VI. and VII.

PREFACE

In the Year 1764.

A VIEW of the preſent wealth, power, and extenſion of the *Britiſh Empire* is alarming as well as pleaſing: we cannot but be concerned for the ſtability of a fabrick built on ſo disjoined foundations, and raiſed to ſo great a heighth; and muſt be convinced that it will require much political ſkill to ſecure its duration. The moſt obvious means to effect this, muſt be an Union of the ſeveral parts of this vaſt body, and eſpecially a Connection between the *Seat of Empire* and its Dependencies; a Connection not created by temporary expedients, or ſupported by enforced ſubjection; but eſtabliſhed upon fixed *Principles* of *Law* and *Polity*, and maintained by a regular, free, and equitable ſubordination. What are the principles which will beſt connect the Head and the Members of this great *Empire* is the ſubject of the preſent enquiry. They ought to be ſimple, plain, and certain, or they will not be ſuitable to their general purpoſe; they ought to be generally admitted, or they will not have their full effect; they muſt be ſuch as will ſtand the teſt of reaſon, or they will not be generally admitted.

In this diſputative age, and in a ſcience of all the moſt diſputative, it may ſeem a difficult taſk to attempt to ſettle

a general theory for a buſineſs in which ſuch a variety of paſſions, prejudices, and intereſts, are like to interpoſe. Senſible of this, and ſtudious only of Truth and Utility, the writer has avoided declamation, and kept cloſe to argument. He has reduced his whole ſubject into a ſet of propoſitions; beginning with firſt principles which are ſelf-evident, proceeding to propoſitions capable of poſitive proof, and deſcending to hypotheſes which are to be determined by degrees of probability only. This was intended to be a perfect chain; the avoiding of prolixity is the cauſe why it is not ſo: where any links ſhall appear to be wanting, the judicious reader will eaſily ſupply them. The advantages of this kind of writing are obvious: by ſeeing the principles and the reaſoning of the arguments laid before him articulately, the reader can more preciſely determine what to aſſent to, and what to deny; and the writer, if he ſhould appear to be miſtaken, will have the merit of contributing to his own conviction.

The preſent expectation, that a new Regulation of the *American* Governments will ſoon take place, probably ariſes more from the opinion the public has of the abilities of the preſent Miniſtry, than from any thing that has tranſpired from the Cabinet: it cannot be ſuppoſed that their penetration can overlook the neceſſity of ſuch a Regulation, nor their public ſpirit fail to carry it into execution. But it may be a queſtion, whether the preſent is a proper time for this work: more urgent buſineſs may ſtand before it; ſome preparatory ſteps may be required

required to precede it; caution and deliberation may retard it: but theſe will only ſerve to poſtpone. As we may expect that this Reformation, like all others, will be oppoſed by powerful prejudices, it may not be amiſs to reaſon with them at leiſure, and endeavour to take off their force before they become oppoſed to Government.

PRINCIPLES OF LAW and POLITY.

1. THE Kingdom of *Great Britain* is *imperial*; that is, Sovereign, and not ſubordinate to or dependent upon any earthly power.

2. In all *imperial* ſtates there reſides ſomewhere or other an abſolute power, which we will call the *Sovereignty*.

3. The *Sovereignty* of *Great Britain* is in the *King in Parliament*; that is, in the King, acting with the advice and conſent of the *Lords* and the *Commons* (by their Repreſentatives), aſſembled in the *Parliament* of *Great Britain*.

4. The *King in Parliament* has the ſole right of legiſlation, and the ſupreme ſuperintendency of the government; and, in this plenitude of power, is abſolute, uncontrolable, and accountable to none; and therefore, in a political ſenſe, can do no wrong.

5. The Execution of the government is in the *King* alone, to be exerciſed according to the laws of the country, written and unwritten.

6. The

6. The exerciſe of this right is the *King's Prerogative*; and, whilſt it is regulated by the laws, the *King* can do no wrong in ſuch exerciſe.

7. The Laws are either unwritten, that is, rules of government immemorially admitted and approved; or written, that is, ordinances of the *Parliament*.

8. The *privileges* of the people are the right of having conjunctively, by their repreſentatives, one third part of the ſovereign legiſlative power, and of enjoying ſeparately the protection and benefit of the laws.

9. The kingdom of *Great Britain* has, belonging to and depending upon it, divers external dominions and countries; all which, together with *Great Britain*, form the *Britiſh Empire*. Let, therefore, the *Britiſh Empire* ſignify the aggregate body of the *Britiſh* dominions, and the *Kingdom of Great Britain* the iſland which is the ſeat of the government.

10. The *King in Parliament*, is the ſole and abſolute Sovereign of the whole *Britiſh Empire*.

11. No members of the *Britiſh Empire*, other than the *Parliament* of *Great Britain*, can have a right to interfere in the exerciſe of this Sovereignty, but by being admitted into the *Parliament*, as *Wales*, *Cheſter*, and *Durham* have been, and *Ireland* may be.

12. Such an union is not neceſſary to the generality of the *Britiſh* external dominions; but it may be expedient with moſt of them.

13. The external *Britiſh* dominions, without ſuch an union, are ſubordinate to and dependent upon the *King-*

dom

dom of *Great Britain*, and muſt derive from thence all their powers of legiſlation and juriſdiction.

14. Legiſlation is not neceſſary to an external and dependent government; juriſdiction is neceſſary and eſſential to it. Therefore,

15. A ſeparate Legiſlation is not an abſolute right of *Britiſh* ſubjects reſiding out of the ſeat of Empire; it may or may not be allowed, and has or has not been granted, according to the circumſtances of the community.

16. Where it is granted or allowed, it muſt be exerciſed in ſubordination to the Sovereign power from whom it is derived.

17. No grant of the power of Legiſlation to a dependent government, whether it comes from the *King* alone, or from the *Parliament*, can preclude the *Parliament* of *Great Britain* from interfering in ſuch dependent government, at ſuch time and in ſuch manner as they ſhall think fit. Becauſe,

18. Though the *King* can do acts to bind himſelf and his ſucceſſors, he cannot bind the *Parliament*; nor can the *Parliament* bind their ſucceſſors, nor even themſelves.

19. It is the *King's* prerogative to provide for the adminiſtration of juſtice in general, according to law.

20. In places to which the ordinary adminiſtration of juſtice does not extend, the *King* has a right to make extraordinary proviſion for it, ſo that ſuch proviſion be

as conformable to the laws as the caſe will permit. Nevertheleſs,

21. It is the right of the *Parliament*, by its ſupreme power of legiſlation and ſuperintendency, to adjuſt and ſettle finally the powers and modes of juriſdiction. Therefore,

22. The new juriſdictions eſtabliſhed by the *King*, until they are confirmed by *Parliament*, are only temporary proviſions.

23. The *King* has a right to grant to private perſons goods or lands which have been acquired by, or have fallen to the general eſtate, ſo that ſuch grants be agreeable to law; in which caſe, they are preſumed to be beneficial to the community.

24. Such grants may be enquired into legally by the courts of law, and diſcretionally by the *Parliament*; and if they ſhall be found to be illegal, exorbitant, or prejudicial to the community, they may be avoided, upon a preſumption that the *King* was deceived.

25. A grant upon a condition performed or to be performed, is a grant upon a valuable conſideration: if the condition is performed, the grantee becomes a purchaſer for value; if it is not performed, the grant is void.

26. Juriſdiction, being a matter of public truſt, and not of private property, cannot be claimed as granted for a valuable conſideration.

27. If a grantee profeſſes to hold a juriſdiction as a property yielding profit, he proves that he ought not to hold

hold it; as the profit muſt ariſe from ſomething or other prejudicial to the public; for whoſe ſake only juriſdictions are or ought to be created or exerciſed.

28. Where the *King* grants juriſdiction and lands in one grant, they are in law two ſeparate grants, as they are to be judged by ſeparate and diſtinct principles; and the grant of the one may be valid, and of the other void or voidable.

29. The rule that a *Britiſh* ſubject ſhall not be bound by laws, or liable to taxes, but what he has conſented to by his repreſentatives, muſt be confined to the inhabitants of *Great Britain* only; and is not ſtrictly true even there.

30. The *Parliament* of *Great Britain*, as well from its rights of *Sovereignty* as from occaſional exigences, has a right to make laws for, and impoſe taxes upon, its ſubjects in its external dominions, although they are not repreſented in ſuch *Parliament*. But,

31. Taxes impoſed upon the external dominions ought to be applied to the uſe of the people, from whom they are raiſed.

32. The *Parliament* of *Great Britain* has a right and a duty to take care to provide for the defence of the *American* colonies; eſpecially as ſuch colonies are unable to defend themſelves.

33. The *Parliament* of *Great Britain* has a right and a duty to take care that proviſion be made for a ſufficient ſupport of the *American* governments. Becauſe,

34. The ſupport of the Government is one of the principal conditions upon which a colony is allowed the power of Legiſlation. Alſo, becauſe

35. Some of the *American* Colonies have ſhewn themſelves deficient in the ſupport of their ſeveral Governments, both as to ſufficiency and independency.

36. The Colonies ought, ſo far as they are able, to pay the charge of the ſupport of their own Governments, and of their own defence.

37. The defence of the *American* Colonies, being now almoſt wholly a ſea ſervice, is connected with the defence of trade. Therefore,

38. Duties upon imports and exports, make the moſt proper funds for the expences of ſuch defence. And

39. It being the proper buſineſs of the *Parliament* of *Great Britain*, to eſtabliſh and determine the neceſſary regulations and reſtrictions of the trade of their external dominions; and the duties upon the *American* imports and exports being interwove with the regulations and reſtrictions of trade, the impoſition of ſuch Duties is, the proper buſineſs of the *Parliament*.

40. The port duties being moſt properly applicable to the defence of the Colonies, it remains that the ſupport of the Governments be provided for by internal duties.

41. The fund for the defence of the country, and thoſe for the ſupport of the Governments, ſhould be kept ſeparate; becauſe the former relates to the general

ral whole of the country, and the latter to the particular diviſions of it.

42. The fund for the defence of the country ſhould be kept entire, becauſe it muſt be applied to the defence of ſuch parts as ſhall have moſt need of it, without any regard to the particular diviſions of the country.

43. The ſeveral funds for the ſupport of the Governments ought to be kept ſeparate: otherwiſe money, raiſed by internal taxes in one Province, may be applied to the ſupport of the Government of another; which ſeems not to be equitable.

44. Although the right of the *Parliament* of *Great Britain*, to raiſe taxes in any parts of the *Britiſh Empire*, is not to be diſputed; yet it would be moſt adviſeable to leave to the Provincial Legiſlatures the raiſing the internal taxes.

45. If the ſums required were fixed, there would be no inconvenience in letting the Provincial Legiſlature determine the manner in which they ſhall be raiſed.

46. It will be more agreeable to the people, that the neceſſary internal taxes ſhould be raiſed by the Provincial Legiſlatures; as they will be moſt able to conſult the particular convenience of their reſpective provinces. Whereas,

47. It may be difficult to form a general Parliamentary tax, ſo as to make it equally ſuitable to all Provinces.

48. It

48. It would make it more agreeable to the people, though the ſum to be raiſed was preſcribed, to leave the method of taxation to their own Legiſlature.

49. If the Provincial Legiſlatures ſhould refuſe to raiſe the ſums required for the ſupport of Government, or ſhould inſiſt upon doing it by improper means, the *Parliament* might then take the buſineſs into their own hands.

50. But it is moſt probable that the people would acquieſce in this meaſure, and would ſoon be reconciled to it, when they obſerved the good effects of a certain and adequate eſtabliſhment for the ſupport of Government. For

51. The want of ſuch an eſtabliſhment has had bad conſequences in many of the Governments of the *American* colonies, and has contributed more than all other things put together, to contention in the legiſlature, and defect of juſtice in the courts of law. Therefore,

52. The eſtabliſhment of a certain, ſufficient, and independent Civil Liſt, is not only expedient, but neceſſary to the welfare of the *American* Colonies.

53. Such an appointment will tend greatly to remove all the ſeeds of contention, and to promote a laſting harmony and good underſtanding between the Government and the People.

54. The People of the colonies ought not to object to ſuch an appointment, becauſe the ſupport of Government is one of the terms upon which they have received the

the power of Legiſlation; and, if the Government is not ſupported, the Legiſlation muſt ceaſe: and becauſe

55. The Support of Government ought to be certain and ſufficient; otherwiſe the execution of it will be uncertain, and its powers inſufficient for its purpoſes.

56. The Government ought not to be dependent upon the people; and the particular means uſed in ſome of the Colonies to keep their Governments dependent, and the uſe which has been made of ſuch dependency, afford ample proofs that they ought not to be ſo.

57. The right of a people in a Legiſlative Colony, to judge of the expediency of extraordinary and contingent expences, does not conclude for the ſame right as to the ordinary and neceſſary expences; becauſe

58. The former muſt be ever uncertain, the latter may be reduced to a certainty; the one concerns the welfare only of the colony, the other the very exiſtence as a ſeparate ſtate.

59. The ſubjects of the *Britiſh Empire*, reſiding in its external dominions, are intitled to all the rights and privileges of *Britiſh* ſubjects, which they are capable of enjoying.

60. There are ſome rights and privileges which the *Britiſh* ſubjects, in the external dominions, are not equally capable of enjoying with thoſe reſiding in *Great Britain*.

61. The right of having a ſhare in the Imperial Legiſlature, is one of theſe incapacities in thoſe external dominions, where a repreſentation is impracticable.

62. A Repreſentation of the *American* Colonies in the Imperial Legiſlature is not impracticable: and therefore

63. The propriety of a Repreſentation of the *American* Colonies in the Imperial Legiſlature, muſt be determined by expediency only.

64. A Repreſentation of the *American* Colonies, in the Imperial Legiſlature, is not neceſſary to eſtabliſh the authority of the *Parliament* over the Colonies. But

65. It may be expedient for quieting diſputes concerning ſuch authority, and preventing a ſeparation in future times.

66. The expediency of *American* Legiſlatures, does not ariſe from the want of their having Repreſentatives in the Imperial Legiſlature.

67. If the *American* Colonies had Repreſentatives in *Parliament*, ſtill there would be an occaſion for provincial Legiſlatures for their domeſtic œconomy, and the ſupport of their Governments. But

68. All external Legiſlatures muſt be ſubject to, and dependent on, the Imperial Legiſlature: otherwiſe there would be an *Empire in* an *Empire*.

69. Some external States are incapable of a Legiſlature; which has often been the caſe of infant Colonies. Therefore,

70. The ſame form of Government is not equally proper to a Colony in its infant and in its mature ſtate.

71. There

71. There may be a middle ſtate between infancy and maturity, which may admit of a form of Government more proper for it than either of the extremes.

72. There is but one moſt perfect form of Government for Provinces arrived at maturity.

73. That is the moſt perfect form of Government for a *dependent* province, which approaches the neareſt to that of the *ſovereign* ſtate, and differs from it as little as poſſible.

74. There is no ſuch form of Government among the *American Colonies*. And therefore

75. Every *American* Government is capable of having its Conſtitution altered for the better.

76. The Grants of the powers of Governments to *American* colonies by charters, cannot be underſtood to be intended for other than their infant or growing ſtates.

77. They cannot be intended for their mature ſtate, that is, for perpetuity; becauſe they are in many things unconſtitutional and contrary to the very nature of a *Britiſh* Government. Therefore,

78. They muſt be conſidered as deſigned only as temporary means, for ſettling and bringing forward the peopling the colonies; which being effected, the cauſe of *the peculiarity* of their conſtitution ceaſes.

79. If the Charters can be pleaded againſt the authority of *Parliament*, they amount to an alienation of the dominions of *Great Britain*, and are, in effect, acts of

 diſmembering

diſmembering the *Britiſh Empire*, and will operate as ſuch, if care is not taken to prevent it.

80. To make the Government of a Province the moſt perfect, it is neceſſary to regard the Extenſion as well as the Conſtitution of it.

81. A Province ſhould be ſo extended, that the honourable ſupport of the Government ſhould not be burthenſome; and ſo confined, that the aſſembling the Legiſlature may not be inconvenient.

82. Where the Legiſlature can meet without inconvenience, the larger a Province is, the more effectual will be the powers of its Government.

83. The notion which has heretofore prevailed, that the dividing *America* into many governments, and different modes of government, will be the means to prevent their uniting to revolt, is ill-founded; ſince, if the Governments were ever ſo much conſolidated, it will be neceſſary to have ſo many diſtinct States, as to make an union to revolt impracticable. Whereas,

84. The ſplitting *America* into many ſmall governments, weakens the governing power, and ſtrengthens that of the people; and thereby makes revolting more probable and more practicable.

85. To prevent revolts in future times (for there is no room to fear them in the preſent) the moſt effectual means would be, to make the governments large and reſpectable, and balance the powers of them.

86. There

86. There is no Government in *America* at preſent, whoſe powers are properly balanced; there not being in any of them a real and diſtinct third Legiſlative power mediating between the *King* and the *People*, which is the peculiar excellence of the *Britiſh* Conſtitution.

87. The want of ſuch a third Legiſlative power, adds weight to the popular, and lightens the royal ſcale: ſo as to deſtroy the balance between the *royal* and *popular* powers.

88. Although *America* is not now (and probably will not be for many years to come) ripe enough for an hereditary *Nobility*; yet it is now capable of a *Nobility* for life.

89. A *Nobility* appointed by the *King* for life, and made independent, would probably give ſtrength and ſtability to the *American* governments, as effectually as an hereditary *Nobility* does to that of *Great Britain*.

90. The reformation of the *American* governments ſhould not be controlled by the preſent boundaries of the colonies; as they were moſtly ſettled upon partial, occaſional, and accidental conſiderations, without any regard to a whole.

91. To ſettle the *American* governments to the greateſt poſſible advantage, it will be neceſſary to reduce the number of them; in ſome places to unite and conſolidate; in others to ſeparate and transfer; and in

general to divide by natural boundaries inſtead of imaginary lines.

92. If there ſhould be but one form of Government eſtabliſhed for all the *North American* Provinces, it would greatly facilitate the reformation of them: ſince, if the mode of Government was every where the ſame, people would be more indifferent under what diviſion they were ranged.

93. No objections ought to ariſe to the alteration of the boundaries of provinces from Proprietors, on account of their property only; ſince there is no occaſion that it ſhould in the leaſt affect the boundaries of properties.

94. The preſent diſtinctions of one government being more free or more popular than another, tend to embarraſs and to weaken the whole; and ſhould not be allowed to ſubſiſt among people, ſubject to one *King* and one *Law*, and all equally fit for one form of Government.

95. The *American* colonies, in general, are at this time arrived at that ſtate, which qualifies them to receive the moſt perfect form of government, which their ſituation and relation to *Great Britain* make them capable of.

96. The people of *North America*, at this time, expect a reviſal and reformation of the *American* Governments, and are better diſpoſed to ſubmit to it than ever they were, or perhaps ever will be again.

97. This

97. This is therefore the proper and critical time to reform the *American* governments upon a general, conſtitutional, firm, and durable plan; and if it is not done now, it will probably every day grow more difficult, till at laſt it becomes impracticable.